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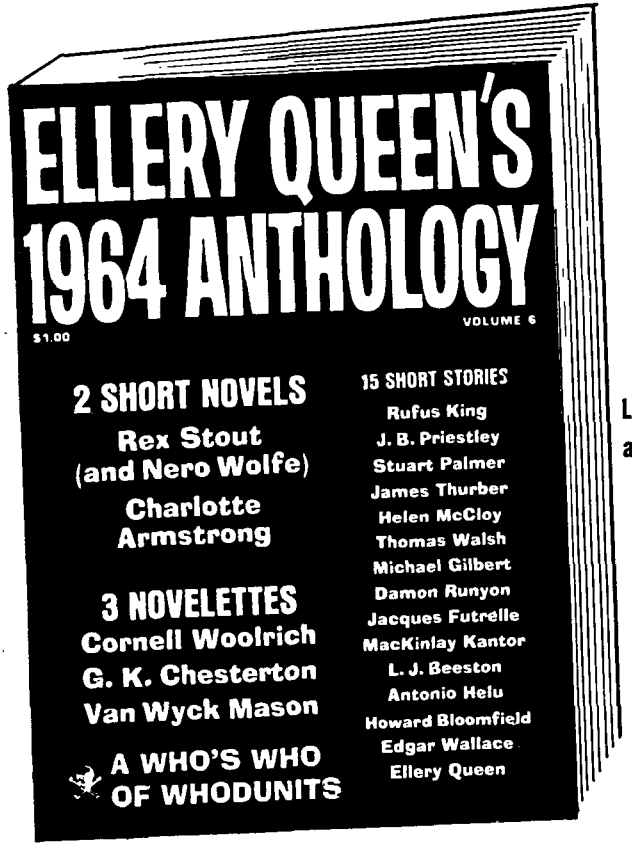

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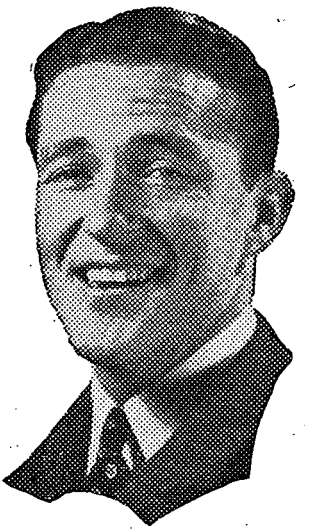

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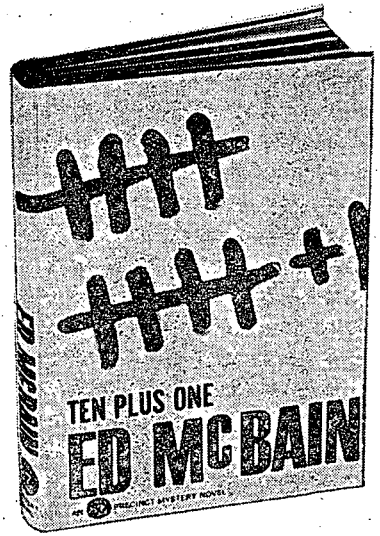

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a new story by

EDITORS' FILE CARD

AUTHOR:	**PAT McGERR**
TITLE:	***The Washington, D.C., Murders***
TYPE:	Detective Story
DETECTIVE:	City Editor Stan Morris
LOCALE:	The capital of the United States
TIME:	The Present
COMMENTS:	*A fascinating tale of a series of capital crimes—and the deliberate pun is not intended to lessen the seriousness of this unusual story . . .*

THERE ARE TWO SCHOOLS OF thought on the best way to begin a murder story. One says it must open with a bang—a beginning like, "A shot rang out, a woman screamed, and a man, blood dripping from a dozen wounds, staggered off the roof." For advocates of that school, this story should begin, "The first body was discovered in the Lincoln Memorial, stretched in back of the huge Lincoln statue, a bullet through the heart."

There is, however, a more leisurely method, designed to lead to the murder through a description of events far from the scene of the crime—as, for example, "Holmes drew the bow lightly across the strings of his violin, producing a plaintively melodic accompaniment to Watson's account of his trip to Surrey." Perhaps this would be a better type of opening for an account of the sensational series of murders that terrorized the residents of Washington, D. C. and made sightseers tremble with fearsome anticipation as they made the rounds of its historic spots.

Let us, then settle for the indirect

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approach and begin the story in the city room of the *Washington Daily Comet,* a tabloid with a small circulation and an even smaller reputation, but with aspirations surpassing its strongest competitor.

City Editor Stan Morris was reading his morning mail, the calm of the spring morning disturbed only by the rattle of dice in a far corner and the mumblings of a copy boy laboriously working the daily crossword puzzle with a stub pencil. One by one, Morris dropped announcements of an artists vs. writers ball game, a lecture on mental health, and an outdoor concert into his already overflowing wastepaper basket. From the last envelope he drew a narrow slip of paper bearing only the words, *Sic semper tyrannis.* His eyebrows slightly raised as he read it a second time, shrugged, and tossed it, too, toward the basket. Fingering the change in his pockets meditatively, he rose and moved in the direction of the dice game.

Two hours and one edition later, he was back at his desk working on his assignment sheet when the phone rang.

"Yeah," he said into the mouthpiece. "Yeah. The Lincoln Memorial, you say? Sure. Yeah. Right away. Thanks for the tip, Chief. Sure, any time."

Banging down the receiver, he shouted across the room, "Get moving, Jimmy. Some guy's been killed in the Lincoln Memorial. A busload of school kids on tour found the body. Take Walter and get some angle shots of the corpse with the statue."

Jimmy and Walter had been gone almost half an hour before Morris had the thought that sent him diving toward his basket and scattering its papers in a frenzy of activity that made the copy boy stare in amazement. The return of the reporter and photographer found him in a state of high excitement.

"Not much in it, Morris," Jimmy announced, unaware of the other's agitation. "They've identified the fellow. Nobody important. Worked in the National Archives. I've got all the dope."

"Not much in it!" Morris' voice was almost trembling. "We're holding the presses, Jimmy. This is the yarn of the year. Look what came in the morning mail."

Without much interest Jimmy accepted the crumpled paper and envelope.

"You know what that means?" Morris demanded. "That's what John Wilkes Booth shouted at Lincoln just before he shot him. It means the killer planned to reenact the assassination and he sent the *Comet* an advance announcement. Give the story all you've got."

Jimmy caught some of his editor's fervor and wrote a great story but the reaction of the public was disappointing. They were, to put it

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mildly, skeptical. Their attitude was summed up in an editorial in the *Comet*'s morning competitor headed *How Yellow Can You Get?* and denouncing the *sic semper tyrannis* note as an unethical invention designed to create sensation and to boom circulation. Even the police, usually friendly to Morris, laughed in his face when he suggested lab study of the note and envelope. Since both were block-printed on plain cheap stationery, it was perhaps not a serious oversight.

Investigation of the murder drew blanks for two days and even the *Comet* relegated the "police baffled" story to page nine. Then, on the third day, Morris was electrified to find on his desk, postmarked the night before, an envelope which in appearance was a twin of the earlier anonymous note. Opening it with trembling fingers, he again found a single slip of paper. This one bore the words, *An old place to pay new debts.* He stretched his hand toward the phone, but before he could lift the receiver, it rang piercingly.

"Yeah" he growled impatiently. "Morris here."

He listened a minute, his eyes widening.

"At the entrance to the Treasury, you say? Good Lord, Chief, listen to this. I just got another note—no, take it easy, Chief, this is on the level. But you've got to listen . . . Okay, Chief, I'll send a man over."

His spirits slightly dampened, Morris sent Jimmy out again to collect details. This time the victim was an employee of the Government Printing Office. He too had been shot and his body had been found by a guard at the Treasury Department shortly after the doors opened for the day. The second murder, coming so closely on the heels of the first, made the public more receptive to the *Comet*'s style, and its story drew a parallel between this new homicide and the shooting of Alexander Hamilton, first Secretary of the Treasury.

The police, however, remained dubious and the paper's most dignified evening competitor carried an editorial on the ethics of journalism. Without mentioning the *Comet* by name, it suggested that one newspaper that resorted to forgery and the fabrication of evidence could degrade the entire body of the press. Morris writhed a little as he read it, since he yearned for prestige almost as much as for a soaring circulation. He began to wish that the unknown murderer had chosen some other paper for his gratuitous predictions.

Police Still Baffled, the headlines read the next day, and the next. No connection had been found between the two victims and none between the two crimes, except the use of a gun and the tie-in of each with a historical personage who had died violently. It was probably the desperate need of doing *some-*

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thing that led the police to accept Morris' suggestion that a man be assigned to the main post office to intercept all letters addressed to the *Comet* city editor—on the chance that, if the killer intended to strike again, his intent might be determined in advance. And late on the third night this precaution bore fruit.

Into the hands of the policeman at the post office came one of the familiar block-printed envelopes, with its slim contents.

This time the words asked simply, *Did George Washington sleep here too?*

There was activity in the Capital City that night. At least a dozen policemen were hidden in strategic spots around the Washington Monument. One manned the elevator, one waited in the tower, and two more lurked in the reception room. Jimmy covered this point for the *Comet* but Morris himself joined the detail that sped to Mount Vernon to patrol the house and grounds. The all-night vigil in both places ended without event, except that the city editor had to be forcibly restrained from striking a rival reporter who sneered, "Going home to write yourself another letter, Morris?"

Vindication for Morris and the *Comet* was not long in coming. And when it came it left Washington in a state of shaking horror unmatched since Jack the Ripper roved the streets of London.

An early morning hiker, striding along the highway that skirted the Tidal Basin, found a dead man lying at the foot of one of the cherry trees—a dead man with a hatchet in his skull.

Not everyone in Washington was interested in the *Comet*'s interpretation of the cherry-tree-and-hatchet legend, but everyone was appalled by the possibility that he might be next. The minority of Washingtonians allied with private business drew minor comfort from the fact that the newest victim was on the payroll of the Department of Health, Education and Welfare. "You see," they reminded each other in tones that lacked conviction, "the killer only attacks government workers. These mad murderers always run true to form."

The police now kept a constant watch on the *Comet,* staying in continual consultation with Morris. His glory was marred by only one touch of ignominy: they insisted on fingerprinting not only him but the entire newspaper staff.

"Of course we know you wouldn't go that far." The police lieutenant tried to laugh it off. "But the department's been getting some phone calls. And you can't deny that this has been mighty good for your circulation. Anyway, no harm in checking, is there?"

So they compared the *Comet* fingerprints with those on the handle of the hatchet and gave the paper a clean bill of health. It was the only

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decisive action taken in the two days before the policeman in the post office intercepted a fourth note. This one said cryptically, *SO LONG!*

Bafflement was gross understatement as a description of the police at this point. The two words told them nothing. They had no idea where to go. The general public, on the other hand, were much more interested in which places to stay away from, but the note gave them no clue. Optimists drew comfort from its apparent finality. "It's a suicide message," they insisted. "The killer has finished his job and he's saying goodbye."

"He's saying goodbye, all right," pessimists countered, "but we're the ones who are going. Could be he's triggered some device that will blow the whole town off the map."

The night passed without developments. State Department cipher experts were put to work trying to decode the new note. The Secret Service doubled its guard around the White House. Absenteeism in all government bureaus reached record heights. The morning wore on and no fresh corpse was discovered. But no one relaxed.

In the City Room of the *Daily Comet,* Jimmy's desk was piled high with files. Through long nerve-wracking hours he'd sat up reading the victims' mail, seeking a link between them. It was a tedious assignment, but at last the hunch paid off. Like cards drawn to a straight flush, he slapped three letters down in front of the editor.

"I've got it, Morris!" Excitement overrode the fatigue in his voice. "Almost missed it because the letters seemed so routine. But he's the only man who wrote to all three and when you read them over they have a fanatic ring."

"O. O. Smith." Morris read the signature. "What's his angle?"

"He's a smalltown schoolteacher who's written a book on American history. Worked on it for twelve years, then couldn't get it published. No wonder he cracked up. See—" Jimmy's forefinger underlined a key sentence. " 'I have original material and a new approach that will make all other texts obsolete and will revolutionize teaching methods. Therefore, the publishers are in league to suppress my work.' "

"Then what's his grudge against civil servants? Why didn't he go to New York and start mowing down publishers?"

"He wanted the government to take it over, print it, and put copies in every public school and library. Each of these fellows got a letter from him and answered with a polite brushoff. He decided they were all part of the conspiracy. And he'd been living so long with history—don't you get it? He started reliving it!"

"Sounds logical," Morris nodded grimly. "The question is, how many other government offices did

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he write to? Who's next on his list of victims?"

Jimmy shook his head. "There could be a hundred answers. Maybe some general at the Pentagon refused to use his book for basic training. Or he might have asked the Information Agency to send it overseas. Name any department and I'll give you a tie-in. The only thing to do is headline the story and urge everyone who's had correspondence with Smith to get under cover and ask for protection."

"Yeah, that could work, so long as he hasn't already—" Morris broke off in mid-sentence, repeated his own words. "So long as—*so long*—all his other notes had a meaning, this one must too. So—long. Wait a minute." He pressed his fist hard against his forehead as if to force thought. "Sic—Sic—"

"You bet he's sick," Jimmy agreed. "The guy's a real psycho."

"I don't mean that. I'm thinking of the first message. *Sic semper tyrannis*. We translated it 'thus always to tyrants. But we could have used 'so' instead of 'thus'—so always to tyrants. And now, 'so long'—Good Lord, of course, that's what he means! Why didn't I think of it before? What time is it?"

"Twenty to twelve."

"And the Senate meets at noon. Come on, let's get out of here!"

He pulled Jimmy after him to the door where they collided with the police lieutenant who was just coming in. They dragged him back to his car, scrambled in beside him, and ordered the driver to head for the Capitol at top speed.

"What the devil—" began the lieutenant.

"If we're lucky," Morris said breathlessly, "you'll have the murderer in a few minutes. If we're unlucky, you'll have a dead senator to explain. Fill him in on the Smith letters, Jimmy."

The officer listened noncommittally.

"Sounds screwy enough to be true," he conceded. "But what's this chase we're on now? You know the next one he's after?"

"I don't know who," Morris admitted, "but I know *where* and how." . . .

The car pulled up before the Capitol and Morris sprinted ahead of the others up the stone steps. Outside the Senate chamber there was the usual bustle of a session-about-to-begin, but it seemed today somewhat subdued. A cluster of high school students listened to a guide's lecture.

Morris stood for several seconds blinking at the change from bright sunlight. Then an elevator door opened and an elderly gentleman stepped out, flanked by document-bearing aides. Morris made a quick identification—Chairman of the Senate Appropriations Committee. Scheduled to speak on Federal aid to education. Naturally Smith wrote to him, too.

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Morris' eye caught a flick of movement from behind a pillar and he made a flying leap for the startled Senator, toppling him to the floor beneath him.

"It's the mad killer!" the students shouted gleefully, surging toward the fallen pair. "We've caught the mass murderer!"

A shot froze them to silence. As Morris dove at the Senator, Jimmy had sprung in the opposite direction toward the little man emerging from the shelter of the pillar. He reached him just in time to knock his gun arm upward so that the bullet lodged harmlessly in the molding above the elevator.

Almost simultaneously the police lieutenant, his own gun unholstered, moved in. Together they hustled Smith into one of the small private rooms before the spectators could sort out who was attacking whom.

The aides helped the Senator to his feet and he felt gingerly for bruises.

"It appears that you saved my life, young man," he told Morris. "But I don't think I could survive many such rescues."

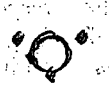
"Sorry to be so rough, sir." Morris identified himself, then added, "I hope you'll give the *Comet* an exclusive on how it feels to be shot at."

"You're entitled to that," the Senator agreed. "But what gave you the idea you'd find the assassin here?"

"He spelled it out in his last note," Morris explained. "*So long* didn't mean goodbye. The word 'so' means 'in that or like manner.' Here's the way the meaning works out: so long—like long—like Long—*like Huey Long.*"

"Poor Huey," the Senator said. "I knew him well. It must be twenty-five years since he was killed."

"That's right" Morris said. "Shot to death in the capitol at Baton Rouge on his way to address the Senate. And you were here in the Capitol on your way to address the Senate . . . Again he was making history repeat—in his fashion."



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EDITORS' FILE CARD

AUTHOR:	**C. S. FORESTER**
TITLE:	***The Key to Power***
TYPE:	Crime Story
LOCALE:	Near Berlin
TIMES:	1934 and 1944
COMMENTS:	*What can happen under the rule of a madman—crimes "which make those of Jack the Ripper and Landru appear quite insignificant" —by the author of the Hornblower series and the modern classic,* PAYMENT DEFERRED.

ON THE NIGHT OF THE LONG Knives three men drove out to the Bower of Roses. One of them was Adolph Spiegel, and he was sick with fear. His right hand rested in his coat pocket on the butt of an automatic pistol, and to his hand the unaccustomed weapon seemed incredibly large and heavy. He was sweating, and his sweat felt cold on his skin. Tonight he was seizing his one great opportunity. He was on his way to kill Lucas.

Lucas was the terrible, awe-inspiring, utterly ruthless head of the Seventh Bureau in which Spiegel, in those early days of the Nazi power, had unexpectedly found himself head of a section. Lucas had never concealed his opinion of Spiegel; he had called Spiegel to his face timid and cautious and unworthy to serve the Fuehrer, had mocked at his anxiety not to risk physical danger, had laughed at the mincing precision of his manner—but had retained him in his employment because he knew Spiegel to be a conscientious hard worker.

Spiegel had no illusions about all that; he knew that while Lucas lived he would never have much opportunity for promotion although he could be sure of having responsible and difficult work heaped on him to the limit of his endurance. But if Lucas were to die —this was the Night of the Long Knives, and many men were dying at that very moment.

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The Fuehrer was asserting his authority. Some of those who had helped him to power were asking too much of him by way of reward; some were desirous of pushing him too far and too fast along the road he had mapped for himself; some might even be suspected of something far worse—of plotting to seize some of the power that was rightfully the Fuehrer's. These men must all die, that was a matter of course; there could be no room for them in the Reich along with the Fuehrer.

And when so many people were dying, another death might not be inquired into too strictly; if Lucas were killed by his trusted subordinate, and that subordinate maintained later that he had indisputable proof—nothing written, of course—that Lucas had been involved with the plotters, then his reward would be great. Probably he would be made head of the department, wielding Lucas' power, enjoying Lucas' prestige. Spiegel could thrill to the thought, for the little man, although he could be sick with fear, was consumed with ambition; although he was running with cold sweat at this moment he still had his clarity of vision and his remarkable capacity for summing up motives and prejudices.

On the morning after the Night of the Long Knives Lucas' death would be looked on as the clearest proof of Lucas' guilt. The cold heavy pistol in Spiegel's pocket was the key that would open for him the door to power—the door which otherwise would always remain closed to him.

"Drive faster," he said to Klein, as though he had been used to riding in cars all his life, although the occasions when he had could be counted on ten fingers; and of course he could not drive one, which was partly why he had associated Klein and Kramer with him on this enterprise.

"I am driving as fast as I can," answered Klein. The car was rocking along the narrow road through the summer evening.

"We'll be soon enough for Lucas," said Kramer, sitting beside Klein.

Men and women working in the fields looked at the black car flashing along the road, and at the uniforms worn by the occupants. They had seen many such during the last year or two, heading for the Rosenbau—the Bower of Roses—where Lucas lived. Even in this short time since the Nazis had come to power Lucas had taken for himself a country house and estate, where he lived the life of a nobleman, copying his superiors in the party. The fat war profiteer who had previously owned the place had given it its name, and Lucas had seen no reason to change it.

Perhaps it was not entirely coincidence that Lucas was here on the Night of the Long Knives instead of being at his desk in Berlin. Lucas

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may have guessed what was going to happen—although very few people did—and he may have decided that out here, nineteen miles from Berlin, he would not have to declare which side he was on until the next morning, when it would be easier to pick the winner.

Spiegel touched his pistol again. He knew quite well who was going to be victorious, and he was going to be on the winning side, even though the thought of the risk he was taking made his hand tremble.

They whirled through the pine woods at the end of the lake and shot out again into the late sunshine beyond. There was the wall and the gate. Klein swung the car through, turning the corner so closely that a twig on a low tree rapped sharply against the windshield, startling Spiegel with the unexpected noise.

There was the house, built in two stories in a faint echo of the Gothic style (not that any one of the three men driving up to it knew the word "Gothic") with tall narrow windows, all alike. It was L-shaped, and they could see for a moment both faces of the house. The sun was about to set behind them, and in the front of the house the windows caught the rosy light and reflected it back at them so that for the moment the name of the Bower of Roses seemed appropriate.

"Ready?" growled Klein.

"Yes," said Spiegel. Excitement had dried his throat so that he could only croak, but then he forced himself to assert himself. Klein's question made it appear possible that Klein was anxious to take the lead, with the obvious intention of claiming the credit later, and Spiegel was not going to have that.

"Follow me," he said, getting out of the car and marching up the steps with his hand on his pistol.

At the door they were met by Richter, Lucas' confidential secretary.

"I want to see the Brigadefuehrer," croaked Spiegel.

"Why?"

"Party business," said Spiegel.

"You could have spoken to the Brigadefuehrer on the telephone," said Richter, barring the way.

"I insist," said Spiegel, but his resolution was oozing out of him. Already he was trying to compose in his mind the speech he would make to excuse his coming like this with two killers of the Party to Lucas' house. Lucas might believe him.

There was a loud report at Spiegel's elbow which made him leap in surprise, and Richter fell to the ground. Kramer had shot him through the heart. At the back of the hall stood a large Chinese vase on a pedestal. It sprang into fragments at the same moment, the pieces clattering to the floor.

"Come on!" said Klein, pushing forward, and Spiegel realized that

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the bullet which had killed Richter had gone right through to smash the vase. They pushed on into the large sitting room beyond, crammed with furniture, where a white-faced woman stood to face them. It was Frau Lucas; Spiegel had often seen her before.

"What is it?" she asked.

"Where's your husband?" demanded Klein, walking toward her, pistol in hand.

"He is not here," faltered Frau Lucas. "He—he has gone to Berlin."

That was a lie, as Spiegel clearly saw. The presence of Richter in the house proved that Lucas was there, or had been until a moment before. He could think quite logically despite his trembling fear.

"Where is he?" he snarled, his lips wrinkling back from his teeth with the intensity of his feelings.

"He—he has gone," said Frau Lucas.

Klein swept the room with his glance, then hurried across to the door opening into the dining room. He had trodden in Richter's blood, and both his feet left bloody imprints on the carpet. There was no one in the dining room.

"Watch her, Spiegel," said Klein. "Come on, Kramer."

They rushed out of the room. Spiegel stood with his hand still on his pistol, but there was no need for such a precaution. Frau Lucas was a spiritless creature. She sank into a chair and put her face in her hands and wept, shaking with sobs. Within a few minutes Kramer and Klein were back again, herding two maids before them.

"He was here when we came," said Klein. "He hasn't left the house."

"Where is he?" demanded Kramer of Frau Lucas, but Frau Lucas, when she raised her tear-wetted face, working with fear, could say nothing at all. Klein swore vilely.

"Where is he?"

With his pistol he struck a sharp blow on Frau Lucas' wrist so that she cried out in pain, but still she said nothing.

"I'll do it," volunteered Kramer. "Watch the girls."

He stepped forward, pocketing his pistol, and slapped Frau Lucas on the face. Her head jerked back, but still she did not speak, and Kramer stepped closer to her.

"Bend back her nails," said Klein.

This was horrible. Spiegel could not bear it. For all his clarity of vision and keen forethought he had not imagined anything like this; just a clean killing. Frau Lucas screamed.

Spiegel walked nervously out of the room. In the darkening hall Richter lay in his blood, and the fragments of the Chinese vase strewed the floor. Richter was dead; that could never be explained away, nor could what was happening to Frau Lucas. It was his life or Lucas' now. If Lucas were to sur-

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vive, were to gain contact with Berlin, Spiegel and Klein and Kramer were all dead men. It might be a most unpleasant death, too. Spiegel felt his knees going weak at the thought.

Another scream from Frau Lucas, higher-pitched, agonizing. Spiegel wiped the sweat from his forehead with his left hand—his right still rested unconsciously on his pistol—and walked across the hall, through the open door opposite. This was both library and music room: shelves of books, a piano, a music stand. Oh, that frightful scream! Spiegel paced nervously on the thick carpet.

What was that? As he turned he saw that a section of the bookshelves was slowly swinging out. It was a narrow secret door, and within, his back to Spiegel as he peered out, was Lucas, a pistol in his hand.

Automatically, Spiegel made the gesture. It was only yesterday that he had first practiced with a pistol, but now, despite his thumping heart and shaking limbs, one part of his mind worked fast enough though another part did not know what he was doing.

His hand with the pistol in it leaped from his pocket. One shot into Lucas' back sent him reeling; with two more he sagged to the ground, and Spiegel went on firing into the prostrate body until the weapon was empty.

It was all over in a matter of seconds, and instinct—the instinct never to reveal anything to a colleague without prospect of advantage—led Spiegel to close the secret door just before Klein and Kramer came bursting in. He was standing then, pistol in hand, over the body.

It was only a matter of days before Spiegel's prevision when he plotted the death of Lucas was proved correct. The man who killed Lucas was held to have demonstrated Lucas' guilt; his bold initiative and his obvious devotion to the Fuehrer was rewarded, in the reshuffling that followed the Night of the Long Knives, by immediate promotion.

Spiegel was head of the Seventh Bureau in Lucas' place, and it was now only to be expected that a man who worked as hard as he did, and who possessed that remarkable clarity of vision, should succeed in making the Seventh Bureau even more powerful and feared than when Lucas had presided over it. The outwardly insignificant Kurfurstendam office under Spiegel's management was like the tiny body of some creature whose long tentacles, reaching out over vast distances, insinuated themselves through any unguarded crevices, and exuded a fatal poison if anyone were rash enough to interfere with them.

The Seventh Bureau filched power from Goering and the five-year plan; it filched power from

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Canaris and his intelligence agencies; and it even filched power from Himmler himself, as Spiegel directed its activities not only into espionage, but into counterespionage, and then into counter-counter-espionage, working steadily toward the great moment when the Fuehrer would listen to reports—injurious reports, of course—regarding Himmler and his methods.

The Seventh Bureau was one of the agencies that held the power of life and death, and a word from Spiegel could send a man to the scaffold or into a concentration camp; sometimes, naturally, that could not be done without bargaining—Spiegel's enemy A could not be murdered without sacrificing to Himmler Spiegel's ally B. But still it was power, vast power, and Spiegel, waking in bed in the mornings, would sometimes wonder whether it was not all a vivid dream, so exactly had he realized all his ambitions.

Naturally he had enemies, deadly enemies, for a man who held power under the Third Reich was the enemy of all who sought power or sought to conserve power; but he could deal with those, while reveling in everything that his starved childhood and his unemployed youth had lacked: the deference of the great and the subservience of the little, power to promote and power to condemn, and, beyond all this, the intense satisfaction, which never staled for a moment, of living (when he could spare time from the office) in the Bower of Roses.

He slept in Lucas' bed and he ate at Lucas' table, and that was wildly gratifying, for he could always remember the fear with which he had regarded Lucas and the contempt with which Lucas had regarded him. And he had killed Lucas with his own hand; he could remember that and forget that it was pure chance which had presented Lucas' back to his pistol.

Ten years of gratification of power, of what to a warped mind was happiness, was what Spiegel enjoyed; perhaps for those ten years he may be considered fortunate. He extended his power, he increased his happiness, while the Fuehrer extended the Reich. The Saar and the Rhineland, Austria and Czechoslovakia—Spiegel shared in those intoxicating successes.

He knew the rather dubious delight that followed the conquest of Poland, and the equally dubious delight that followed the conquest of Norway, and he shared in the culminating triumph, the one that swept away all doubts—the overthrow of France. The Fuehrer entered Paris as a conqueror, without any of the blood baths, like Verdun and the Somme, that Germany had dreaded. The Fuehrer dominated the world; by his apparently magical power he had raised Germany to a position which she had failed previously to attain even at the expense of millions of lives.

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And Spiegel shared in his dominion, and he lived the life of a nobleman in the Bower of Roses.

It lasted ten years before the unforeseen tripped Spiegel up. He did not anticipate the events of July 1944. It was not a question of the defeats in Russia or of the landing of the Allies in France; Spiegel made no pretense of being a military expert.

But he did not anticipate that there would be an attempt on Hitler's life, and that that attempt would fail. It had not entered into his calculations, and the surprise of it unbalanced him so that he was taken by surprise by the next development, which normally he would have predicted with cold certainty.

The attempt on Hitler's life was revenged by a massacre compared with which the Night of the Long Knives was only a trifle. Ten thousand people died in those four weeks—generals and priests, diplomats and dancers, not only men, but women and children too, whole families, sacrificed to the resentment of the gloomy tyrant shut away in his headquarters in East Prussia, who found some sort of satisfaction in looking at films and photographs of the slow hanging of his enemies.

Ten thousand people died. It is not surprising that in that general massacre private grudges were paid off, nor that ambitious men seized the opportunity to eliminate those superiors who stood in the path of their promotion. Spiegel could have predicted all that, easily, but he did not have time. The wave of arrests engulfed him at the very start, almost before he knew that the attempt had been made.

He was at the Bower of Roses on that July day, taking refuge from the sultry heat of Berlin; and the incessant air raids on the city had induced him to go there, for—as he told himself—they were distracting, and liable to confuse his otherwise clear thinking. He had sat with his wife Charlotte listening to the first confused accounts on the radio, and then he had spent a couple of hours on the telephone—not hours of unbroken talk, because in that period of excitement not even the head of the Seventh Bureau could command unrestricted use of all the long-distance wires he needed—and he was glad that he was absent from Berlin at this moment, where arrests and executions, betrayals under torture, were going on. His absence from the center of affairs would prove his lack of complicity, and if by any strange chance the conspiracy should succeed, he might still be able to disclaim any antipathy to the conspirators.

He sat at his dinner table, with Charlotte opposite him, feeling not too unsure of himself. His telephone calls had been well judged. He thought all would be well. It was comforting to sit where he did, with the red sunset bathing the

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landscape over which he looked from his seat at table. There was his own land, the green fields, the dark pine woods, and the glimmer of the lake through the gap.

He tasted with pleased anticipation the soup that was put before him. Then he looked out of the window again and saw two trucks hurtling along the road, driving fast. He knew their type; he could make out the machine guns mounted above the drivers' cabs. The trucks vanished at the corner and then reappeared. They were heading for this house.

There would be twenty SS men, fully armed, in each.

He put down his spoon. He did not stay to say a single word to poor stupid feeble Charlotte, but he hurried out across the hall, and into the library where he opened the secret door and took refuge in the secret room.

He stood just inside the secret door, resting his hands against it, listening. He heard the tramp of innumerable booted feet, in the hall, in the very library itself, upstairs, in the sitting room, everywhere. He heard loud voices—and one of them he could recognize—so that he leaned heavily, faint, against the door.

It was the voice of Klein, one of his principal assistants (Spiegel had been too shrewd to have only one principal assistant) in the Seventh Bureau. Klein, the man who had driven the car on the Night of the Long Knives when Lucas had died; Klein, not a yard from where Spiegel was standing at the moment; Klein the ambitious, Klein the brutal—

Spiegel knew now that he ought to have eliminated him a year ago at least, or earlier, as soon as the murder of Lucas had become such ancient history that Klein's account of it would no longer be damaging to his chief. If only he had had him arrested even yesterday!

There were other loud and brutal voices to be heard besides Klein's. Then through them all came the sound of another voice. It was Charlotte's, raised in a high-pitched scream. Spiegel heard the voice again, and then again, agonizing, frightful.

Scream followed scream. It was no use torturing Charlotte. No one knew of the secret room except Spiegel. He had even hunted out the men who had constructed it, and he had seen to it that they had met the fate of those who had buried Attila, and without knowing why.

Spiegel stood and listened to the screams, almost inhuman now in their intensity. They were frightful, unbearable. In his office Spiegel had written words, had spoken sentences, which had sent men and women to horrible deaths. But he had not witnessed the results. Richter's corpse and Lucas' corpse were the only two he had ever seen. In his office, making his plans,

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Spiegel was always a man of steady nerve and cold resolution, but personally he was a weakling, and he had always known it.

He heard the screams again, and found his hand had gone, without his volition, to the catch of the door. Now, without his volition, he was opening the door. Now he was coming out into the library . . .

Less than a year later, Wolfgang Klein found himself walking along a Brandenburg lane. He was tired, he was hungry, he was ill, but he had to keep on walking. The war was lost, the Fuehrer was dead, the Russians were in Berlin—the Russians were all round him.

Klein had managed to get rid of his SS uniform; he knew too well what happened to a man in that uniform if the Russians caught him. No trial, just one single shot. So now he was wearing an ordinary army uniform. He had taken it from a corpse lying unexplained in a wood, and the tunic had a bullet hole in it and bore an extensive stain of blood, but it was far better than that SS uniform, for all that. It gave him at least a faint chance.

There could be no doubt that the Russians would seek eagerly for the head of the Seventh Bureau, and would shoot him if they could lay their hands on him. In this uniform, with pay book and papers complete, he at least stood a chance of losing his identity and of being taken prisoner as a mere private soldier. Better even a Russian prison camp than a firing party.

His features were not too well known; it was hardly likely that any local informer would recognize him. Klein knew something about that ritual. In the villages and towns the Russians would find men ready to work for them. The Russian commanding officer would have each prisoner and suspicious character brought up before him in the presence of the local informer.

"He Fascist?" the Russian officer would ask in his childish German, and the informer would nod and the suspect would be led out to death.

Klein, even in his army uniform, did not want to run any such risk. He wanted to keep out of the hands of the Russians altogether. That was why he was creeping along the lanes like this, hungry, footsore, and tired—so tired that he could hardly think. He was a man of powerful build and great physical strength, but that strength was now exhausted. He could hardly drag his feet, at each successive step, through the sands of the lane. He staggered as he walked in the darkness, and his lips were caked with dried scum. He had not known that such weariness was possible.

All Germany—all the vast empire of the Third Reich—was in the hands of the Allies. There was no possible chance of his escaping out of it. The Americans were on the Elbe, he knew. He would stand a

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little more chance of life if he could make his way there and give himself up to them. But he would not risk it. The Elbe was fifty miles away and the Russians would be watching every possible point at which he could cross; and even if he succeeded there would be trials of war criminals, hangings and shootings.

What he ought to do was find somewhere where he could hide away, for months and months, until the Russian vigilance had died down and the American animosity had evaporated. Then he might at last emerge, find anonymity among the people—possibly even escape to the Argentine—and live. With all his faintness and exhaustion and hunger Klein still wanted to live.

There was only one possible refuge open to him, and that was, absurd as it might seem, in his own house, where surely the Russians would be waiting for him. But what Klein knew and what the Russians could not know was that in the Bower of Roses there was a secret room, the perfectly planned hideaway. It was concealed between two partition walls between the library and the kitchen, and it was a place where he could live for months. Its window was one of a long row of Gothic windows in that wing of the house, and an active man could climb up to it from outside; no one was likely even to count from the outside the long line of windows of library and kitchen and ballroom and then, remembering that number, count the windows from inside and find they totaled one fewer.

Inside there was just room for a man to lie down—God, how he wanted to lie down at this moment—among the other things that careful forethought had put there. There was a silent toilet, a water tap connected to the main supply of the house, and, above all, shelves and shelves of food, cans of every possible description, six months' food at least for a man, perhaps even a year's food. Klein felt hunger gnawing at him with renewed viciousness as he thought of that food. It might seem a mad plan to return to the Bower of Roses, of all places, and yet it was the best plan open to him. The Russians would certainly be in the house, but at night he could make his way in through the window with its cunning catch, and then he could rest, he could eat, he could drink.

Klein stumbled forward with renewed strength as he thought of that. He did not even waste any strength in self-recrimination regarding his own lack of forethought in allowing himself to be in Berlin at the moment when the Russians came bursting over the Oder—a farsighted man, one with military prevision, would have concealed himself in the secret room just before that event. As it was, his resolution and physical strength had enabled him to escape from the

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city during its nightmare end, out to this lane where he could plod along toward the Bower of Roses, stumbling with weariness, yet trying to keep his ears and eyes open for Russian sentries and patrols.

Klein reached the Bower of Roses the next night. It was before midnight that he sank down to rest for a while at the edge of the wood from which he could look out at the house; but he waited for three hours before he hoisted his exhausted body up onto his weary legs to attempt the last stage. It was not merely to rest himself that he waited. Between midnight and dawn would be the best time for Russian vigilance to relax, and besides he wanted to examine the situation for as long as possible beforehand.

He watched lights come and go in the windows, the faint uncertain light of candles and lamps, for there was no electric power available, naturally. But there was one window that was never lighted; that was the one for which he yearned. The number of cars parked about the house showed that it had been taken over as the headquarters of a large unit, a division at least, perhaps a corps, but that, too, was only to be expected. Now there was only the headquarters staff present, as far as he could see; no large fighting units.

Then the flickering of an electric flashlight, off and then momentarily on, enabled him to see that there were sentries posted around the house; he was observing the midnight relief and was glad that now he knew where they were.

He waited for the next relief, and for an hour after that, before he bent his stiff and aching joints and moved cautiously forward out of the wood. It was not far; there was only a single wall to cross, and after that he proceeded on his hands and knees. He had to lie prone for several minutes, close to the house, while a sentry stood near him in the darkness, and then, when the sentry had moved off toward the corner of the house, he made his final rush, as quickly as silent movement would permit.

He put one foot in the niche of the buttress, as he had long ago learned to be necessary, and heaved himself up, climbed another step, and then reached for the window catch. As he pressed it, silently, and swung open the window he congratulated himself on his luck. He got one arm and shoulder through the window, transferred his weight, and hung for a moment before a final effort pulled him through, his hands on the floor first, and then his knees. He fought off his exhaustion long enough to make himself stand, to wait by the window for a second or two to make sure he had not been observed, and then to shut it.

The necessity for that amount of self-control made the reaction even more violent when he allowed him-

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self to relax. He lowered himself to the floor. He would not eat or drink, not daring to risk making a noise in this unaccustomed darkness; and in any case he was too weary to move. All he wanted to do was to rest, to rest.

He lay on the floor with his head pillowed on his arm, a feeble stream of muddled thought coursing through his weary brain. He was here—safe for six months. There was a momentary pride as he told himself that this was the boldest feat of his career, taking refuge in the midst of a Russian headquarters; but that satisfaction was at once engulfed in the greater one that he no longer had to exert himself or keep himself alert.

With his eyes closed again in the darkness he let himself drift off to sleep. In his sick weariness it seemed to him as if the whole floor of the room was gently and slowly swinging from side to side, not unpleasantly, lulling him to sleep.

His consciousness forsook him for a few seconds, and then he came back into the world abruptly as light poured in on him and voices spoke. The door of the secret room was open and a man was standing framed in the doorway; the pistol in his hand was plain to be seen even though it was in the man's shadow. It was pointing straight at Klein. And it was a Russian uniform that the man wore.

"*Komm*," he said.

Klein blinked, stupefied; the only movements he could make were as feeble and ineffective as the last flapping of a dying fish. A hand reached down and seized him by the breast of his coat and dragged him out into the library, his head bumping painfully on the edge of the door as he passed it.

The hand tried to haul Klein to his feet, but was not strong enough. Another pair of hands came to its assistance and hauled him up, but he could not stand, and so they thrust him backward into an armchair where he sat, still blinking in the light, and only slowly emerging from his befuddlement.

There were half a dozen Russians in the library, all with pistols in their hands. The senior one turned and gave an order, which resulted in the door into the hall opening and another man being led in, someone in a ragged black uniform. The half-grown beard, the mop of tangled hair, the dirty face, made recognition difficult, especially for a man as dazed as Klein.

But the Russians stood aside, on either hand, so that the newcomer had a clear view of Klein, and Klein had a clear view of the newcomer. Klein's eyes submitted at last to being focused, and he saw who it was. Kramer, his chief assistant. They led him forward, closer, and the senior Russian officer pointed to Klein.

"He Klein?" he asked in his infantile German.

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Kramer's eyes met Klein's for only a moment before turning away.

"Yes," he said. "He Klein."

"He Fascist," said the Russian with satisfaction, and he went on to speak in his own language to his colleagues.

Klein's brain was working a little more rapidly now. Kramer had known about the secret room from which Spiegel had emerged when they had come to arrest him, and there had not been time between then and the advance across the Oder to silence Kramer. And when arrested, Kramer had bought his life by offering to deliver into Russian hands the head of the Seventh Bureau, who figured high on the list of war criminals.

There were some private soldiers in the room, and at an order from the senior officer they came forward and took Klein by the arms and lifted him up from the chair. He stood there, sagging between them, and then they began to haul him out of the room, his feet dragging on the carpet. At the door they had to relax their grip on him to pass him through; and he was free to address the Russians for a moment.

"He Fascist," Klein said, pointing with one free hand at Kramer. "He Fascist."

Then they led him out of the house.

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a NEW short novel by

RUFUS KING

The death of the man who considered himself a reincarnation of the Emperor Julius Caesar looked exactly like a freak accident. Every bit of evidence, medical and circumstantial, proved it, and the county's chief medical examiner confirmed it. Why, then, was Stuff Driscoll, chief investigator of the sheriff's bureau, so preoccupied with suspects?—when there was nothing to suspect!

THE CAESAR COMPLEX

by RUFUS KING

AT FIRST THE CASE SEEMED SIMPLE. In fact, on its surface there appeared to be no case beyond making a conventional pass at legal formalities and then filing the fatality as an Act of God. A man had been struck by lightning while standing on the ocean shore and the man was dead. That was all there was to it.

But later, whenever referring to it, Stuff Driscoll, the chief criminal investigator for the sheriff's bureau, was to express his belief that "the Caesar Case" might find a niche among the better efforts on the part of self-deluded bright brains to achieve the cliché of a "perfect crime."

Mr. Julius Caesar d'Este was the corpse.

The beach on which his body had been found at seven in the morning by his personal attendant, Duke Heraclon, was a private stretch of Atlantic Ocean sand that fronted the small de luxe hotel of which J. C. d'Este was both proprietor and sole owner. The hotel was named, with an engaging lack of modesty, the Hotel Caesar d'Este.

The fatality occurred during the autumn season of storms when fitful torrents lashed the Florida southeastern coast, and thunder crashed and lightning hurled its idiot bolts at a variety of senseless objectives. It was also the period when the management of those establishments which remained open for the tourist trade on a year-round basis either stayed stoned on their favorite brand of sauce or irritably contemplated the less both-

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ersome forms of suicide.

The Hotel Caesar d'Este was an exception to the prevailing gloom. It was above the seasons—because it was solvent enough to ignore them. It stood serene in luxuriantly subtropical landscaped privacy on the beach at Halcyon—a unique little town that vegetated between the gaudy flames of Miami and the more patrician embers of Fort Lauderdale to its north. The hotel was open and running at top form even though its present registration listed but six guests.

Mr. d'Este, known familiarly by his intimates as J.C. and, irreverently, by the hotel staff as the more biblical designation of the initials, had bought the land cheaply a good many years back, when the now-named Gold Coast had been sparsely developed and when motorists could actually look at and admire the Atlantic Ocean instead of the present-day fantasia of cheek-by-jowl motels.

J.C. had always been rich, having emigrated to the States with an inherited fortune that his forebears had amassed in Italy through a judicious canning of ripe olives. He was so rich, in fact, that it had been no trouble at all for him to indulge his oddities to the hilt, and the Hotel Caesar d'Este might well be considered the sum total of those oddities.

The hotel consisted of a two-storied structure that a celebrated architect had designed with a cautious sideswipe toward the Emperor Hadrian's villa at Tivoli (née Tibor). Its spacious, marbleized lobby could easily have been called an atrium, while its public rooms and apartments were of a detailed elegance that fringed on perfection.

It was far from large, as Gold Coast hotels go, and had but thirty suites. A single room-and-bath would have been considered by J.C. as an unthinkable and comic absurdity. Its rates were a flat one hundred dollars a day per person and worth every cent of it. The cuisine could conceivably have satisfied Mr. Rex Stout's Nero Wolfe and its service was one of unobtrusive excellence. To put it succinctly, the whole joint was a blistering work of art.

Frequently, however, despite the C-per-day tab, the rates were zero per day per person, and this was one of J.C.'s oddities. It sprang from his morbid distaste of house guests whom he claimed, as do the Spaniards, became unbearably odorous on the third day. His friends were therefore installed in the hotel where they would stay on the cuff for the duration of their visit, free to indulge their own tastes and leaving J.C. free to indulge his. It was not unusual for several of the suites to be thus occupied on a nonpayment basis by notables in the fields of art, finance, music, and (in the case of one aging ex-prima ballerina) the dance.

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J.C. himself did not live in the hotel proper. He occupied a gem-like structure, detached from the main building by a breezeway that had fluted Corinthian columns and trained draperies of deep-magenta bougainvillaea. All service was handled by the hotel staff and his sole companion in this private heaven was his young wife, Serena.

Serena.

Ah, Serena . . .

Much of all this was familiar to Stuff Driscoll (and to the permanent residents of Halcyon in general) when he joined the county's chief medical examiner, Dr. William Ainsworth, on the Caesar d'Este's exclusive beach.

"Exclusive" at that moment of eight in the morning was really a misstatement of fact. Among the clutter were members of the Fire Department rescue squad who had earnestly busied themselves trying to resuscitate Mr. d'Este—until Ainsworth had assured them that the man had been a dead duck since around last midnight. Also at hand were some of the local boys, including a photographer from the crime lab, as well as a lingering spate of representatives of the press. The six hotel guests, with becoming reticence, had remained either asleep or, with a well-bred rejection of rubbernecking, at breakfast in their private suites.

The night's storm was gone and the handsomely publicized Florida sun was again in the saddle. A reasonable area of privacy had been established around the body, and Dr. Ainsworth, who was comfortable in Bermuda shorts and a banlon sports shirt, brushed sand from his kneecaps.

"What drags you into this, glamour-boy?" he asked Stuff. "Isn't it enough that in addition to the local posse we've already had the Fire Department, some Boy Scouts, a covey of plovers from the news media, and one fat female tourist from Georgia politely ejected while taking souvenir snapshots of the corpse?"

"And now me, you lucky fellow."

"Anybody would think that the Big Button had been pushed instead of it being a childishly simple departure, for parts unknown, of an elderly gent who was ass enough to plant himself on the beach in the middle of last night's thunderstorm."

"Elderly gent, Bill, but local big shot. The word has been passed that no stone must be left unturned. Hence, me."

"Well, so far as my department and I are concerned it's now all yours."

"But if the autopsy—"

"Posting him, which I shall attend to this morning in a brisk once-over-lightly fashion, will tell us nothing that we don't already know. Quite simply, the guy was blitzed."

Stuff looked down at J.C.'s body,

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loosely covered with the terry-cloth beach robe he had been wearing.

"I suppose," he said politely, too politely, "the lightning bolt left a tag on him reading 'struck by me'?"

"In spite of your withering sarcasm, buster, the bolt did exactly that. Take a look."

The body was lying flat on its face. Stuff lifted the terry robe and exposed the husky rear areas of Mr. d'Este down to the buttocks.

"I see what you mean," he said.

On the dead man's trunk, welted red against the suntanned flesh, was one of the strikingly curious, finely traced arborescent markings commonly known as "lightning burn." The popular, imaginative interpretation of such marks is that with more or less accuracy they form the representation of a tree under which the victim was standing when struck. But Stuff knew this was purely fanciful rather than scientific.

"Besides," he said, "there is no tree."

"I follow quite clearly," Dr. Ainsworth said, "your Old Wives' Tale line of thought. Need I point out that the proximity or even the total absence of trees has nothing whatever to do with it?"

"I know, teacher, I know," Stuff agreed pleasantly, replacing the terry robe. "I'll even throw Beccaria's explanation at you—that the burn marks are left by the electricity in its passage through the smallest venous radicles under the skin, resulting in an arrest of the circulation in the fine channels involved."

"You're still in the Dark Ages, chum. Later authorities—and let us include Mann among them—say that the fine markings are not determined by blood vessels at all, nor do they correspond with them. They are made by what are called 'divarcations' of portions of the electrical discharge, producing a kind of erythema—a searing which indicates the paths taken by the electricity. Or if that bewilders you, why not choose the version of Dr. Vivian Poore who suggests, in his *Medical Jurisprudence,* that the marks follow the irregular deposit of sweat moisture on the body's surface. But does it really matter?"

"Not to me, pal."

"Does anything really matter beyond the fact that the marks are completely acceptable as proof of the lightning-stroke character of the death?—all other circumstances, I'll grant you, being compatible. And which I trust, my good sleuthhound, you will later agree with me that they are."

"I'll tell you what," Stuff said as he patted Dr. Ainsworth in kindly fashion on the shoulder, "I'll let you know."

The morning had advanced to 8:15. The case still retained its refreshing air of simplicity. No cloud, no bigger than the fabled man's hand, marred the infinite sky . . .

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unless it was that dot developing a span or so above the far horizon.

The dot was the plane bearing the widowed Serena d'Este from Bimini to the Florida coast.

The perfect, oil-slick management of this bijou hostelry lay in the blue-veined hands of Miss Lisabetta d'Este. Well into her sixties and older than her late brother Julius Caesar d'Este by seven years, she had not been idle nor had she bogged down into any outward swelter of shocked grief.

Seated at a desk that was replete with two telephones, an intercom, and assorted signal buttons, in a room reserved as an office in her lavish hotel suite and from which she handled the not uncomplicated running of the establishment, Lisabetta already had cleaned up the two more pressing businesses at hand.

By trans-ocean telephone she had notified Serena in Bimini of J.C.'s death. Serena had, during the past week, been a house guest on the island at the home of the Gerald Coleberry-Coles. By now she would be well along on her flight back to Halcyon in her host's personal plane.

Secondly, Miss Lisabetta had set in motion arrangements with a Mr. Jedson Manly of the Halcyon Funeral Home to take care of her brother's remains after the medical examiner's office released them. Her outline embraced considerable pomp, involving a lying-in-state in the Home's Gothic and expensive chapel, a service by Bishop Holyweather of the Roman church, with a subsequent interment in Our Lady of the Flowers Cemetery.

Miss Lisabetta was a stout little woman with a costly coal-black wig and piercingly expressive anthracite eyes. Her dresses invariably reflected an effect of bombazine and a delicate aura of heliotrope sachet. This leaning toward a turn-of-the-century getup was, however, nothing more than skin deep—a layer of camouflage that masked the steel-trap quality of her mind and her up-to-the-minute modernity in all areas of business.

"A Mr. Driscoll could like to see you, Miss d'Este," the intercom informed her. "He's from the sheriff's bureau."

"Ask him to come in."

Stuff felt, in a sense, somewhat of a fool. His role, now that Dr. Ainsworth was so positive as to the freak-accidental cause of J.C.'s death, seemed of no purpose beyond that of being an ambassador bearing sympathies and to collect a few arbitrary and meaningless (from a crimino-legal sense) facts for his report.

He was not aware of Lisabetta d'Este's highly efficient inner mechanics and he experienced a mild wonder that a woman of her apparent age and air of genteel Victorianism could manage the operation

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of a luxury hotel, even a small one such as this.

Her voice, which was incisive, metallic, and cold, came as a disillusioning jolt. "As I understand it, Mr. Driscoll, you are from the sheriff's bureau. Why?"

Under the present circumstances, Stuff thought, it was a good question. "I'm here because our first report on your brother's death, Miss d'Este, is indecisive."

"Yes, that is reasonable. But now? When the medical examiner has assured me as to his personal satisfaction of the purely accidental nature of the tragedy? When, as he has implied, both the autopsy and inquest are mere formalities? Surely no questions remain?"

"There are a few, Miss d'Este. Just to fill out and close our file on the case."

"I can think of none."

"Let me label them the 'attendant circumstances.' As an example, what might have caused Mr. d'Este, wearing only a terry-cloth robe and presumably preparing for bed, to have stepped outside and then stand around on the beach at the height of a drenching and severe thunderstorm? Would you know?"

"Certainly I know. I have lived with and have known my brother intimately all his life—his actions, his thoughts, his innermost desires. Julius, Mr. Driscoll, considered himself to be a throwback. One might almost say, imaginatively, a reincarnation. Naturally within the limitations of our present-day culture and civilization."

The sledding, Stuff decided, was getting a little rough. Murk began to enter an otherwise pleasingly simple climate. He asked, not without interest, "A reincarnation of whom?"

Lisabetta said with a touch of impatience, "Of his namesake, of course—the Emperor Julius Caesar."

"Are you—are you serious about this, Miss d'Este?"

"Perfectly so. Collaterally, in a blood and perhaps in a gene sense, his idea was not without some foundation. Julius spent what many people would consider a small fortune in an effort to prove it."

"Did he?" It was all Stuff could think of to say.

Her shoulders gave the expressive Latin shrug that seems to encompass all the imponderables one meets in life. "As with many expert opinions, the several geneologists whom he commissioned for research differed. But even the decisions of our Supreme Court, Mr. Driscoll, are rarely infallible. There is usually a minority report, as sound in its contentions as the majority one."

"Am I to understand that your brother was himself convinced of this"—the word stuck a bit—"throwback?"

"Implacably. No, do not get the wrong impression, please. Julius

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was not one of the lunatic fringe such as one finds in asylums—the I-am-the-Queen-of-the-May and the Napoleon-complex sort of delusions. He was a completely sane man."

And that, thought Stuff, is as may be. And possibly, except for this one quirk, he had been. Die-hard attempts to excavate a famous ancestor had lots of precedent. The Mayflower would have burst its hull if the ancestors of all its current descendants had truly been aboard.

"Just what is the connection, Miss d'Este, between all that and his actions of last night?"

"It was a form of bravado. Always, whenever the elements lashed, whether the sea or the sky or the force of big winds, Julius would—I think the proper word is *defy* them." She added matter-of-factly, "As would have the Emperor Caesar."

"Then his having gone out on the beach at midnight was not just by chance?"

"In no sense whatever. It was a habit, a ritual if you like, whenever a thunderstorm occurred. I can remember back when Julius was a little boy in our home in Italy he would—" with a disturbing abruptness Lisabetta dissolved into a brief spasm of shoulder-shaking sobs. "He would face the lightnings and stick his tongue out at them." The sobs ceased. "You will excuse it, please. This exhibition."

Interesting, Stuff thought, even though academic. A habit which put a person on a certain spot at a certain time . . . in this instance, placing Mr. d'Este in an emperor-stance out of doors and defying the Jovian bolts.

A setup for a murderous attack, seemingly celestial in origin? Absurd. Who (and how) could have directed a specific bolt at him, spot-placed as a target? Doubly absurd! As much as was J.C.'s fixed idea (a slight breath of megalomania?) of being a reincarnation in modern clothes of Imperial Caesar. Of that Caesar who—the thought was just a flicker on the rim of Stuff's mind—had had his Brutus . . .

He dragged the interview back to earth. "I wonder if we can determine who saw your brother last?"

"I have already ascertained."

"Yes?"

"Invariably before retiring, Julius indulged himself in a warm bath and would then be given a massage. Relaxed, he would go to bed and fall asleep."

"Then the masseur would be the last-known person to have seen him?"

"To the extent of my knowledge, yes. He is our head beach boy as well as Julius's personal attendant—a young man of Greek extraction by the name of Duke Heraclon. A hoper."

"A what?"

"Hoper. He hopes. For the year that he has been in our employ he

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has been hoping that Julius would build a health spa adjacent to the hotel and that he, Duke, would manage it. It was the carrot that my brother dangled before the donkey's nose—to keep Duke from his former way of life."

"And what was that, Miss d'Este?"

"His physique, his looks explain it. He is an incredible specimen of young manhood. Not in any weight-lifter sense of balloon-shaped muscles, but having a breathtaking virility. He has been kept, well kept, in the guise of companion, bodyguard, what-have-you, by the aging rich."

"How is it that with such a background your brother engaged him?"

"Why not? A simple matter of business expediency. The young man has no trace of any criminal record. His I.D. card has been competently checked. He afforded my brother the perfect esthetic embellishment to our beach, our pool—Julius could no more resist having acquired him than, say, that statue of the Apollo Sauroctonus in the small lounge. And, of less importance, Duke is an expert masseur, not solely for Julius but for any guest who might request one."

An inkling of impulse suggested there might be some fish of value in this curious stream. At least it was worth another cast. "Then this spa business, the dangling carrot, made him give up the fleshpots and gold plate? Rather an odd exchange for a young man of that dubious character to make."

"So it would seem, except that in addition to a remarkable physique Duke also has a brain. He is far from being a lotus-drugged fool. He has come to the realization that his appeal to wealthy—let us say, voluptuaries—would deteriorate in a few years, leaving him nothing economically practical to fall back on. As a matter of interest, when Julius discovered him, Duke already had made his first move toward breaking away from his former role and was employed as a cow hand on one of the local cattle ranches west of Halcyon—you know the area, along State Road 84?"

"Very well. Have you questioned Duke about last night?"

"I have. At half-past eleven he attended my brother as usual at his bath. You understand, of course, that Julius had his own establishment adjacent to the hotel?"

"Yes."

"Well, around midnight Duke had completed his service of massage and returned to his quarters, which are in a small gymnasium pavilion that stands convenient to the pool. He had observed nothing whatever out of the ordinary in my brother's manner. But you will perhaps wish to question him? Shall I send?"

"Thank you, Miss d'Este. I'll look him up."

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"His station at this hour would be the pool."

On his way to the pool, Stuff carried with him Miss Lisabetta's lyrical canvas of Duke Heraclon's physical and mental perfections. Psychologically, he found it difficult to accept her explanation of the well-kept Apollo's transition from a diet of caviar (surely Russian *ikra* in quality) via a hired hand at a county cattle ranch to his present status of head beach boy at a luxury hotel.

The job, Stuff appreciated, was not a sinecure of shapely muscles and engaging grins, either with or without assistants. In general, it would involve his being on deck at seven in the morning, a surface skimming of the pool of natural debris or negligent contributions from the paying guests, then a fairly menial day with the servicing of sunbath mats and esoteric lotions magically empowered to thwart the sun's more harmful rays yet permit that copper glow, some instructions in swimming, some exhibition diving—and added to all that (in Duke's special case) the further chore of personal attendance on the boss up to and including the night's final massage.

And for what? The dangled carrot of a problematical spa of which he, Duke, would be the manager?

Stuff doubted this—he doubted it very much. It seemed more likely that the Hotel Caesar d'Este offered a richly stocked fresh pond for landing a new goldfish after Duke had, as was probable, been discarded by his latest benefactor. The hotel's clientele would be rife with the wealthy tired, with the bored, the lonely, the avid—and surely, according to Miss Lisabetta's depiction, the lad was a collector's item.

Disgruntled, Stuff asked himself: and *still* what about it? Why this nagging preoccupation with suspects—when there was nothing to suspect? For the apparently insoluble problem persisted, regardless of any contributory causes that the autopsy might later indicate—the problem of how in the name of reason a man could be propped upright on a beach at the exact spot where a bolt of lightning would obligingly be expected to hit him.

There were two points of interest for Stuff when he reached the Caesar d'Este's superb, marble-tiled pool: the ornamental (and Stuff had to admit the young man was definitely that) Duke Heraclon, and, seated by a table over at the sea wall and drinking coffee, an elderly gentleman dressed in the svelte outfit of an ambassador prepared to make a diplomatic call, even to the black homburg on his silvered head. Otherwise the place was empty.

"Duke?"

"Yes. You're Mr. Driscoll?"

"That's right. Who's that man over there?"

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"He's an old friend of the d'Estes. A house guest only not in the house. You see—"

"I know about Mr. d'Este's habit. Does he always dress like that?"

"No, usually he's human. He must be dolled up to express his sympathies to Miss Lisabetta and to Mrs. d'Este, when she gets here."

"He looks like a foreigner."

"He's a Dutchman. Shipping. Said to be one of the world's richest men."

"What's his name?"

"Vandernick. Hals Vandernick."

"Is he just here on a visit?"

"So far as I know. He drops in off and on. He's got a yacht about the size of a portable *Queen Mary* tied up over at the marina. Maybe he's just batting around on a cruise. Why?"

"Congenital curiosity, that's all. Tell me, Duke—there's one thing that puzzles me about last night."

"What about last night?"

"You and Mr. d'Este."

"Well?"

"This massage business. It was supposed to relax him, wasn't it? So that he could pop into bed and drop right off?"

"That's right. What about it?"

"Thunder."

"Thunder?"

"Yes. Didn't it?"

"Didn't it what?"

"Thunder," Stuff said, "while you were giving him the massage."

"I don't get you, mister. What if it did?"

"Well, did it?"

Duke's long-lashed eyes never left Stuff's. "I think I see what you mean. He'd have wanted to go outside and had me wait until after the storm. Maybe Miss Lisabetta gave you the lowdown on that?"

"She did."

"And about the thunder, there wasn't any. Maybe a distant growl or two, but nothing like shortly after, when the storm really broke. Is it important?"

"I've no idea." Stuff suppressed the eternal cliché of an "as yet," and went on, "It's just that contradictions always bother me."

A page boy approached them and said, "Mr. Driscoll?"

"Yes?"

"Mrs. d'Este, sir. She requests that you see her, please. I'll show you the way."

So the widowed Serena was back.

Stuff followed the page boy to the separate building private to J.C. and his wife. He was expecting in Serena something spectacular and surely in keeping with her late husband's fetish for artistic perfection. In short, the wife of a reincarnated Caesar.

She would be, of course, as had been the original model, above suspicion. For obviously she could not, while a house guest on Bimini, miraculously direct a deadly bolt of lightning at her husband standing on the shores of Halcyon. Stuff

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smiled faintly at the notion. Again, this preoccupation with suspects when there existed nothing to suspect.

Yes, he decided, facing Serena in her living room, she was truly spectacular. It was difficult to pinpoint just how or why. Youth radiated from her, and yet she possessed a Roman-matron touch of calm nobility. Serene, as was her name, but with a contradictory underlying force of sheer animal magnetism. Beauty, yes, and classical in its perfection. The sort, Stuff thought, a man dreams about; then paradoxically came the thought: but rarely marries.

"Mr. Driscoll?"

"Yes, Mrs. d'Este. I hope you will accept—"

He began the conventional ritual of condolence but Serena, effortlessly and with no effect or intent of rudeness, cut him short.

"Please. That is not necessary, although I do appreciate your courtesy. I have asked you to come here because there are certain things I prefer you to hear directly from me —before you may be told them by somebody else."

It was a curious attitude to take. Almost, Stuff thought, as though she entertained a question as to the accidental nature of her husband's death and was taking, strangely, a defensive position in regard to it.

"What things, Mrs. d'Estes?"

"For one, shall we say my lack of grief?"

He said carefully, "If you wish to call it that."

"Not wish—must." A note, not of bitterness but of analytical detachment, came into her voice. "Grief is for a loss where the true heart is involved. I respected, I honored my husband, Mr. Driscoll, but my reaction to his death is simply one of shock at the sudden loss of an accustomed friend. I shall try to explain."

"Please."

"Actually, my role as the wife of 'Caesar' was as carefully selected, bought, and paid for as, say, the flat Jensen service for the hotel dining room, the Steuben glassware, the gilt épergnes to hold the hothouse table flowers."

Her voice trailed off. It could have gone on, Stuff felt, almost endlessly in its cataloguing of J.C.'s paragon acquisitions. But leading up to what?

He said tentatively, "A marriage of convenience. On your side, too?"

"Completely so. I won't trouble you with the story of my life, Mr. Driscoll, but my marriage with Julius was one of absolute mutual agreement. Naturally you are wondering why I bring this up."

"Frankly, I am." He added, more as a probe than as a personal opinion, "Especially since there is no suspicion of foul play in connection with your husband's death."

"Then why the autopsy? Why the inquest, Mr. Drisoll?"

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Here we go again, Stuff thought —the same old merry-go-round. "The inquest," he explained patiently, "—and this is almost a certainty, Mrs. d'Este—will consist of a routine identification of the deceased. A matter of official record, that's all. Some member of the family testifies. Yourself, or Mr. d'Este's sister."

She repeated with persistent emphasis, "'*Almost* a certainty.' And the autopsy, Mr. Driscoll?"

So the push, the drive persisted . . . as if this woman, exquisite, serene, with scalpel and oblique thrusts were determined either to keep a question of foul play alive in the official mind, or to have it negated absolutely.

He said, "As for the autopsy, our chief county medical examiner, Dr. Ainsworth, must go through with the official moves. Even though he is already satisfied. Perfectly." Stuff decided to be pedantic, to explain in detail the basis for Dr. Ainsworth's satisfaction—to muzzle her with the legally acceptable proof offered by the arborescent lightning burn on the body's back. "Of course," he began, "you are not familiar with the physical aspects of a death by lightning, but—"

"But I am, Mr. Driscoll."

That rocked him. He did not know just why. He said automatically, "Yes?"

"About six months ago, just beyond the northern end of our private beach, a man—a tourist—was struck as he came out of the water. He had been swimming when the storm broke. Perhaps you may remember?"

Stuff did not. Six months ago he had been on vacation at the home of his wife's parents in northern Michigan.

"I was away at the time, Mrs. d'Este."

"My husband was an eyewitness. He was going through his usual performance of defiance—let me explain that—"

"Your sister-in-law already has."

"Then you understand. —Anyhow, Julius had Duke, our beach boy, carry the man in here under shelter where an attempt was made to revive him."

"Rescue squad?"

"Yes, they were sent for, but it was no use. I was here to do whatever I could to help. I saw, we all saw, a curious marking left on his back by the lightning bolt. It was somewhat in the shape of a stylized tree. Anyhow, an assistant medical examiner—not your Dr. Ainsworth, Mr. Driscoll—explained that the mark itself was a legally acceptable presumption as to the manner of death. I suppose that Julius also had such a mark, and that that is why Dr. Ainsworth is perfectly satisfied?"

"Yes. The cases are quite similar, Mrs. d'Este."

She said with a curious impact of veiled implications, "Not quite."

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"No?"

"In my husband's case, I believe, there was no one on the beach last night to testify as a witness."

Either this woman is going nuts, Stuff thought, or I am. Obviously she was striving to inject, to *compel* a measure of doubt—to translate an obvious case of accidental death into an impossibly bizarre homicide. *Why?*

He said with a trace of irritation, "Exactly what do you have in mind, Mrs. d'Este?"

"I am regretting the fact that I was over on Bimini during the past week, and not here when my husband died."

And just what, Stuff wondered, does she mean by that? But whatever she meant, as Dr. Ainsworth had said, did it really matter? Officially, clinically, factually, so far as the case was concerned, did it matter in the slightest?

"You are not convinced," he said, wrapping up the obvious.

"I'm not."

"Is there,"—he advanced this probingly—"is there anything that you care to suggest?"

Serena hesitated for a moment before answering, apparently weighing the full after-effects of what she intended to say.

"Perhaps, Mr. Driscoll, if you would call on my husband's attorney, Mr. Jasper Crane? His office is in the Blandford Building on the boulevard."

"I've met Mr. Crane."

"Then you might ask him to acquaint you with the provisions in my husband's will."

Stuff caught Mr. Jasper Crane in his office at the moment when the attorney was deciding to amble over to the Torts Club (so named by its founders with a somewhat heavy legalistic whimsy) for a generous spot of both liquid and solid lunch.

"Dear fellow,"—Crane was given to such expressions, although in other respects he was an expert estate lawyer—"you leave me not only bewildered but considerably aghast. I clearly understood from Miss Lisabetta when she telephoned me of J.C.'s death that it was officially accepted as being an accident."

"To the best of our present knowledge," Stuff said, "that's just what it was."

"Then why this departmental interest in J.C.'s will? That smacks of doubt."

"I know it does, but they're not my doubts and they're not Dr. Ainsworth's. They're Mrs. d'Este's."

"Serena's? But that's ridiculous!"

"It's obvious that she doesn't think so. It was her suggestion that I see you."

"But my dear man," Crane objected, "this is either soap opera or opera bouffe. She's pointing at villains when there hasn't been any crime."

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"My reaction entirely, Mr. Crane."

"She's pointing a direct finger of suspicion at her sister-in-law. Lisabetta inherits the boodle, dear chap—the whole works. And in every reputable murder plot it's the person who profits who pulled the trick."

"Occasionally," Stuff smiled, "there are variations. But isn't the will illegal? I mean, cutting out Mrs. d'Este. What about community property and dower rights?"

"There is, my dear fellow, what I shall simplify for you into layman's language a single, a personal ownership arrangement in the law. As things stand, the will is drawn in such a way that all Serena gets is an income from a modest trust fund up to and if the day she marries again. Come right down to it, J.C. was a possessive sort of a creature. A bit balmy, in his fashion."

"Could she break the will?"

"My *dear* boy—*I* drew it!" An unquestioned impregnability of the will's terms, up to and including the Supreme Court, lay in the implication.

"Would Mrs. d'Este know this? Its provisions, I mean."

"Why would she have sent you to me if she didn't?"

"It's a thought. Was it drawn before or after their marriage?"

"After. As a matter of fact—a phrase, incidentally, we lawyers would be tongue-tied without—the will was drawn only about six months ago. Weird, in a way. Something must have jounced him."

"What?"

"I haven't the remotest idea. I simply got that impression because J.C. insisted on a rush job. Off with the old will, on with the new. That sort of thing. He briefed me in the morning and signed it late that night." Jasper Crane's smile encompassed his indulgent understanding of the oddities of the crazy rich as he added, "While being massaged. He had Duke, that maiden's-dream attendant of his, as one witness and called in a friend from the hotel—a Dutchman, has a corner on world shipping—"

"Vandernick?"

"Yes, Hals Vandernick, that was his name. J.C. had him as witness Number Two. And now, my dear lad,"—Crane glanced at his watch—"if I can't help you further, I have a compelling appointment." He failed to add: with a delicately broiled, two-inch thick mutton chop.

En route to his own lunch (hamburger and Coke at a drive-in), Stuff sorted out the odd batch of nuggets he had garnered to date.

Primarily, there was Serena's blatant frankness in dragging in by the neck the convenient nature of her marriage to J.C. Why? Well, if the case did develop into one of homicide, she would voluntarily have scotched any outside rumors

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or unkindly cracks by dear friends as to her marital relationship.

Then her plugging toward murder rather than accident, with the offbeat suggestion that he question Crane regarding J.C.'s will—surely that was a deliberate arrow directed at Lisabetta as the one who would profit most handsomely by her brother's death.

Why this stirring of quiet waters? Why this reluctance (a mild word) to let sleeping dogs sleep?

A rational but crude explanation—and the lady in Stuff's estimation was far from being crude—could be that if Lisabetta were convicted of her brother's murder she could not, under law, inherit his estate, and thus J.C.'s ironclad will would be shot into oblivion . . . leaving his widow Serena to rake in the loot.

Stuff refused to accept this theory. Then a tangent thought struck him with considerable force: Serena's barely veiled insinuations that her husband's death had an aura of homicide might be based on a feeling, perhaps intuitive, perhaps on something factual, that she herself required protection from a repeat performance of an "accident." Her hints, her maneuvers—because of something as yet unexpressed but which she *knew*—might be based on a fear for her personal safety.

Other nagging queries:

What had jounced J.C. into the rush job of changing his will six months ago? Six months—the tourist and his lightning-stroke death—any connection there? Or just coincidence?

And how about Duke's hesitation and slight confusion about the question of thunder at the time of the massage? Would J.C., with his reincarnated nature and habits, have been placidly preparing for immediate sleep if even the faintest growl of thunder had been in the offing? Had Duke lied and, if so, why? Reminder: check with the weather bureau.

And then, for no reason that Stuff could immediately determine, he thought of the exceedingly wealthy Mr. Hals Vandernick. Where did he fit in? Apart from having been witness Number 2 to the new will, the answer, on the surface, was—no place. No place?

With an effort Stuff pulled himself free from fantasy. He took a long look at the cold, hard facts. The will would stand up and Lisabetta would inherit and nothing would happen to Serena because there was no murderer, because there was no murder.

Or was there?

(*Continued on page 76*)

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EDITORS' FILE CARD

AUTHOR: **HAROLD SINCLAIR**

TITLE: ***A Visit to Masterman***

TYPE: Crime and Detection

LOCALE: United States

TIME: The Present

COMMENTS: *It was Blaine's studied opinion, as a trained engineer, that the occult—fakirism and the supernatural—was nothing but the sheerest bunk . . .*

NOW THAT HE WAS ACTUALLY here in Masterman's office, Blaine was acutely embarrassed—with the special embarrassment of the man who finds himself in a stupid position and knows too well that it is entirely his own fault.

This Masterman would probably put in an appearance any moment now, and Blaine couldn't think of a single rational reason for being here. Probably it would be best just to blurt out as much of the simple truth as was necessary and then retreat as gracefully as possible. He hadn't given his name and the street door was less than twenty feet away, but it didn't occur to him that he could just get up and walk out now, without waiting for Masterman.

He thought he had never seen surroundings of such severity. On the brick wall outside the street door a small, highly polished brass plate read: ELI MASTERMAN. Nothing else. An expressionless attendant in a white mess jacket had answered his ring, and seemed not in the least surprised when Blaine said he would like to see Masterman but had no appointment. The attendant merely said, "If you will come this way, please," and led him down the narrow, empty hall to this room.

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The office was of ordinary size. There were closed Venetian blinds on a pair of windows and a closed door opposite the one Blaine had entered. There was an expensive plastic-topped desk, with a padded-leather chair behind it, and Blaine sat nervously in front of the desk in another leather chair. On the wall behind the desk was a large but silent clock, its red second hand moving in sudden jerks; otherwise the walls were bare. So was the desk top. There was not even an ashtray or wastebasket.

The attendant said, "Masterman will see you presently," and Blaine noted he didn't say Mister or Doctor—just Masterman. He tried not to watch the clock, and the five-minute wait seemed unbearably long.

The man who entered was short and thickset, and his head was egg-bald. His eyebrows were a heavy black and under them his eyes were a startling electric-blue. His skin was a deep brown—he might have been either Burmese, or a California sun addict.

"Good evening. I am Masterman. What can I do for you?"

"Nothing." Blaine had a cigarette in his fingers, but remembered there was no ashtray. "Nothing, really. That is to say—"

"Nothing?" Masterman's eyebrows moved upward ever so little. "Rather odd. You asked for me and you are here waiting. You are selling something, perhaps?"

"Oh, no, nothing like that. I've decided that, no matter how silly it may sound to you, I had better tell you exactly how I happen to be here. I certainly owe you that for my intrusion. Then I'll pay your fee and take no more of your time."

"Well, at least yours is a somewhat novel introduction, Mr.—?"

"Blaine—Tracy Blaine. I'm a consulting engineer by profession. Quite by chance I had dinner tonight, at my club, with an acquaintance I hadn't seen for some time—Robert Duyler."

"Ah, yes. I remember him well. A very interesting person."

"In some ways, perhaps. Well, he knew I had spent a couple of years in India during the war, and I had told him, more as a time killer than anything else, that I had spent a great deal of time studying the so-called occult-hypnotism, fakirism in general, that sort of thing. As I say, I'm a trained engineer and all that stuff was, and is, in my studied opinion, nothing but bunk."

Masterman smiled faintly. "You are at least forthright, Mr. Blaine, though I fail to see quite what it has to do with me."

"Duyler told me then—I am not a close friend of his, you understand—of some of the—well, mental troubles he'd had. He insisted that his alleged cure at your hands, when all orthodox treatments had failed, was something not to be explained in any ordinary way. He was vehement about it, especially

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when I told him that the so-called supernatural was sheer bunk."

"I'm a little surprised that an engineer should choose such terms, Mr. Blaine. It seems elementary to point out that things we term orthodox today would have been considered witchcraft a century ago."

"I'm not interested in that."

"You seem at great pains to demonstrate that fact to an utter stranger, but just where does your interest enter into a matter which, obviously, is between Mr. Duyler and myself?"

"He insisted on giving me your name and address, in case—*he* said—I ever needed your help. A possibility which is, of course, preposterous. I started home by a route I don't usually follow—I seldom go to the club for dinner—and found myself passing your house. I noticed the name plate. As I said, I was once interested in—but never mind that. I don't know what I really did have in mind. I had no right to intrude on you, none at all. I apologize. So if you'll tell me your consulting fee, I'll be glad to pay it and be on my way."

Masterman leaned forward, his strong fingers clasped on the bare desk-top. "You interest me intensely, Mr. Blaine, but you haven't told me at all why you came here. Surely you realize that simple truth."

"I apologized for the intrusion," Blaine said stiffly. "I'm quite willing to pay you any reasonable fee. I've frankly admitted my error, or whatever you choose to call it, and I felt I owed you an explanation. What more can I do?"

Masterman seemed to ignore all that. "You are obviously an intelligent man, Mr. Blaine, and I would like to help you—that is what I am here for. But you will have to give me a little more data if I am to be of use."

"I don't need or want any 'help' of any kind, Mr. Masterman, least of all the kind mentioned by Duyler," Blaine said half angrily. "Call my visit here simply a foolish notion if you like."

If he had ever seriously intended asking Masterman about these strange lapses of memory that seemed to be recurring more frequently, the intent was gone now.

"In science there are, in the ordinary sense, no 'foolish' notions. Would you care to undertake a little experiment with me, Mr. Blaine?"

"Certainly not!" Blaine glanced at the clock, and saw that it stood at two minutes of eight. "I've admitted I'm a certain kind of fool and there's no use prolonging this. Your fee—"

"There is no fee. I have done nothing for you, though I would like to, believe me—"

"Good enough, then," Blaine said abruptly. "I apologize again for the intrusion. I can find my way out."

Masterman merely nodded silently, and made no move to rise as Blaine got up and went out the

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door into the bare hall. If Masterman was in any way disturbed at the odd encounter, he certainly didn't show it . . .

The walk from Masterman's office to Blaine's apartment was only a matter of ten minutes, and it was easier to walk than look for a cab.

The desk clerk nodded meaningfully to someone as Blaine entered, and a man sitting near the desk rose and approached. Another man who had been waiting near the lobby's rear entrance, the one which led to basement car storage, came over and joined them.

"Blaine? Tracy Blaine?" the first man said quietly.

"That's right. Something I can do for you?"

"We hope so." The man flipped open a card case and Blaine saw a badge pinned inside. "I'm John Kelly, Homicide Bureau, and my partner here is Mike Irons."

"Well, glad to know you," Blaine said with a certain natural surprise. "Some special reason for this visit? I don't have much business with the Police Department." He recalled now, uneasily, that they had been waiting at both doors.

"Quite a bit of reason, Mr. Blaine," Kelly said. "Would it surprise you too much if we told you your wife has been—well, murdered?"

He watched Blaine carefully, one hand at his chin.

"Look," Blaine said, "I don't suppose this is any kind of joke, but whatever it is, it doesn't make any sense. My wife's out on Long Island, visiting her sister, for perfectly good reasons of her own. She isn't due back here for an hour, maybe two or three."

"I was afraid it would be this way," Kelly said a little wearily. "It usually is. Let's go up to your apartment, Blaine. Maybe up there you'll change your mind about a few things."

The usually flippant elevator boy stared woodenly at his control panel as he took them up to the seventh floor, and Blaine recalled that the desk clerk hadn't spoken to him, either. There seemed to be an air of catastrophe about the place.

At Blaine's door there was a uniformed officer, who stood aside for them to enter. The door, Blaine noted, was already unlocked.

There was only one wrong note in the otherwise immaculate living room: Lucille lay sprawled on the sofa, her face turned into the crushed pillow, one slim leg dragging on the floor, its foot turned under and around at a seemingly impossible angle.

Blaine knew without going any closer that it was Lucille—the gown, the shoes, the taffy-colored hair cut in a certain way. Not that any of those things mattered. When you lived with a person long enough and intimately enough you *knew*.

Kelly waved a careless hand.

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"Your wife, Blaine?"

Blaine's hands and knees trembled violently. He nodded—he couldn't speak.

Kelly picked up the end of the blue silk necktie which passed around the woman's neck and dangled alongside the sofa. "This yours, too?"

Again Blaine nodded. There was no mistaking that expensive foulard that Lucille had given him for Christmas.

"You might as well sit down," Kelly said. "It's gonna take a little time for us to pick up all the loose ends. You can see how all this might look to us, Blaine—right now, anyway. It's your apartment and your wife. She's strangled with one of your neckties. You got any answers?"

"I don't even know as much about—about this as you fellows seem to," Blaine said. "I just got here. I knew—that is—I didn't think my wife would be here."

"Why?"

"She phoned me at the office about one. She said her sister in Roselawn—that's on Long Island—was ill and that she was driving out there, that she probably would be late, and that I'd better stay downtown for dinner. So I did—ate at the City Club."

Kelly nodded. "We can check that if we need to. The desk says, though, that she didn't get any calls today. We asked."

"But—"

"Yeah, I know, that's what you say—which could mean several different things. She did call *you*—the desk downstairs has the record on that one."

"How did you know about this?" Blaine asked more calmly.

"The bureau got a blind call about five o'clock. Irons and I got here about a half hour later—gave us time to check on a number of things, Blaine. The door was locked when we got here. We got in with the master key from the office."

"Surely you don't think *I* had something to do with—with this?"

"Now how," Kelly said drily, "would we get a strange notion like that? Who ever heard of such a thing? Imagine."

"If I did, would I come back here, like this?" Blaine argued.

Kelly shrugged. "Do you know, lots stranger things than that have happened. But you know the answer to that one. We don't—yet. We waited a reasonable time to see whether you would show up. It didn't look like anything was missing here. I mean nothing that looked like a man might be figuring on being gone for a long time. But after all, Blaine, you're an interested party in this, whether you had anything to *do* with it or not."

"You know, Blaine—" Irons spoke for the first time—"you don't look much like a man who's upset by what you found when you got home."

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Blaine whirled on him angrily. "What the devil do you know about how I feel? I'm just trying to act like I had a little common sense. Do you want me to wring my hands?"

"Let it lay, Mike," Kelly said. "Your wife drove out a little after one, Blaine. We don't know when she came back."

"The attendant in car storage would know that."

"No." Kelly shook his head. "Not necessarily—he says. There's room for a hundred cars down there. As a tenant you've got your own regular stall. He doesn't have to check anybody in or out. He's got other work to do and says a dozen cars can come and go without him knowing it unless they want service. He knew that she left, and that's all."

"The elevator boy would know."

"Wrong again. He says he hauled her down, but not back. She must have walked up. The stair well is enclosed, with a fire door at each floor. She could walk up without anybody seeing her, clear up from the basement. She must have—the car's down there."

"Walk from the basement to the seventh floor?" Blaine scoffed. "Try again, Kelly."

"She got here," Kelly said with patience. "Anybody can walk up eight flights if they have a good enough reason, Blaine. You know of anyone who might have a reason to do this?"

"Not a soul."

"Well, we have to ask. What about you and her? You get along?"

Blaine hesitated a fractional moment. "Well, we haven't been getting along any too well just recently, but we weren't at each other's throats—"

He choked over the unintended word and bit his lower lip.

"Hmm. Well, suppose you account for yourself."

"Just how do you mean?"

"If you weren't here, then you must have been somewhere else. You know, what is vulgarly called an alibi. Let's say from the time she phoned you—we'll grant she did—until five thirty, which was when we took over. Your office?"

"Well, no," Blaine said, a little hesitantly, "not exactly. I'm with Horne and Yorke, consulting engineers, Larkin Building on Eighteenth Street. We had a client in town, from Denver. He had to catch a three o'clock plane from Idlewild Airport and there were some last-minute details that had to be talked over with him personally. I was just leaving when Lucille called. I went over to Idlewild and had lunch with this man in the airport restaurant. We finished our business at lunch and afterward."

"And then?" Kelly prompted.

"Well, I returned to the office."

"We can give that a routine check in the morning."

"Well, I don't know," Blaine said dubiously. "You see, there wasn't

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anybody in the office when I got back."

Kelly frowned. "Come again. I didn't quite get that one."

"It was five thirty when I got there and everybody was gone. The office closes at five. I let myself in with my own key."

"It's just a detail," Irons put in, "but why did you go back at all?"

"There were letters on my desk that had to be checked over and signed. I mailed them myself."

"Let me get this straight," Kelly said. "You left Idlewild when the three o'clock plane pulled out, but you didn't get back to Eighteenth Street until five thirty or so. How do you account for that?"

"Well—" doggedly—"I don't *account* for it, as you choose to put it."

"Now, look," Kelly said, still patient, but still stalking. "You left your office after one, went to Idlewild Airport, ate some lunch, even if it was only a sandwich, and talked over some business. You did all that in something less than two hours, which is perfectly reasonable. Then you turn around and tell us it took you two hours and a half just to make the trip back to your office. Well?"

"It just took that long for the trip, that's all. I wasn't feeling so good and I wasn't in any hurry."

"Even though you had mail to attend to at the office?"

"What difference did it make? I had my own key and I was in no hurry to get home, anyway. I dawdled around, had a couple of drinks, and watched a few innings of baseball on television."

"Where?"

"I honestly don't remember, Kelly. Just a place in Queens."

"Anybody that can vouch for the fact that you didn't leave the airport until three or after? That you didn't, for instance, leave maybe around two thirty?"

"A lot of people must have seen me there, of course, but I wouldn't know who any of them are. After I left the office —"

"Never mind that now. I don't know whether you're just plain dumb, Blaine, or trying to take us for a fancy ride; but either way you're working yourself into a corner as far as we're concerned. Let's grant that you were at your office around five thirty, but that maybe you left the airport around two thirty. That's three hours. Or even say you left at three—that's still two hours and a half. A man can do a lot of things in that time if they're important to him—say, like killing somebody."

"You're crazy!" Blaine said hoarsely. "Great God! Why would I kill my *wife?*"

"Why does anybody?" Kelly said wearily. "We've been asking you that, Blaine, one way and another, ever since you came in."

"Do you think I don't know my alibi's weak? Why would I tell you these things if they weren't true?"

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"I dunno," Kelly said. "I don't know why people tell me a lot of the things they do, especially in murder cases."

"Why, I couldn't even get in here without somebody seeing—"

"Aw, cut it out. Your wife did," Kelly said harshly, "so why couldn't you? Let's tie it all up this way. You two were the only ones with a key to the apartment." He let his eyes drift around the immaculate room. "There was no rough stuff. The door wasn't busted and neither was anything else. Whoever did the job was able to get very, very close to her without making her suspicious. You haven't got a smell of an alibi for the time during which she had to be killed. For my money, it all adds up to you. We would like to know *why*."

Blaine could feel sweat running down his face, but he couldn't wipe it off. "Listen, Kelly, all this doesn't make sense. There's some insane mistake here, and you're wasting time on me when you might be doing something about—"

"Yeah?" Kelly said woodenly. "We gave you every chance in the world. We're not geniuses, Blaine, but we can add two and two." He swung around. "Mike, call medical and tell 'em we're through here. They can come on up and do their chores. Blaine, we'll have to take you down to the bureau and book you—suspicion of murder."

"If you won't listen to sense," Blaine said desperately, "you've got to let me call my lawyer. I've got a right to do that."

"Sure you have, but not now. You can call your lawyer *after* you've been officially booked."

On the sidewalk below, Kelly said, "The car's across the street and down the block. You get it, Mike. Go around the block the other way and pick us up here."

For the first time, now that he was on his way to Centre Street, Blaine was acutely, desperately aware of the horror that had happened to him. He was trapped, walled in, where there was neither reason nor logic.

He had to do something, anything, get time to unravel this ball of unreason, to sort out his jellied wits. A little time, he told himself, was all he needed. Two hours, even one!

Down the street a car backfired and Kelly automatically jerked his head away. Moving like an animal, without thinking, Blaine struck at the hard line of Kelly's jaw, and Kelly crumpled like a collapsing sack.

Blaine was running before Kelly dropped. Forty yards to the corner —around on that side of the block the darkness would be thicker and the traffic lighter. He could cross in the middle of the block, where an alley began, then run down the alley to the next street.

He dodged between two parked cars and faced abruptly into a blinding light that came from

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everywhere and nowhere. Then he began falling, interminably . . .

Masterman's fingers drummed on his padded chair arm and his face was as expressionless as ever.

Blaine's body was drenched with moisture and his hands had crushed the featherweight that which lay in his lap. He was breathing heavily, as if he had run a long distance.

Then his eyes strayed to the white face of the wall clock. It stood at exactly eight o'clock! His tongue moistened dry lips.

"My God, man!" he said thickly. "You had no *right* to do that, Masterman! Nobody has!"

"And why not, Mr. Blaine?" Masterman said coldly. "You came here and took my time of your own volition. And see how little of *your* time I have exacted for a minor experiment—two minutes out of eternity. Many people would give a very great deal for a glimpse into the future. Or would they, Mr. Blaine?"

"You've no right to—to insinuate such damnable fakery into any man's mind!"

Masterman shrugged ever so slightly. "Fakery? Come now, Mr. Blaine. You had a reason for coming here, even if you still don't know what that reason is. There is always a reason, however obscure, for every action. I took the small liberty of demonstrating a portion of my—well, abilities, let us say. But let me tell you something, for your own information: *I put nothing into your mind which did not already have a valid existence somewhere!*"

Blaine rose abruptly. "Sheer bunk!"

"As you will, Mr. Blaine. In any event, if you decide what it was you required of me, you will know where to find me again."

Blaine almost slammed the door behind him, but not quite. The attendant was nowhere in sight when he let himself out.

Of all the possible silly excursions this had been the silliest. It was so utterly fantastic he could hardly believe it himself, even while he could still look back and see Masterman's narrow house. Still, the man had at least one honest point: Blaine *had* gone there of his own free will.

It was only a ten-minute walk to the apartment—maybe the walk would sort out his wits a little.

The desk clerk nodded meaningfully to someone as Blaine entered, and a man sitting near the desk rose and approached. Another man who had been waiting near the lobby's rear entrance, the one which led to basement car storage, joined them.

"Blaine? Tracy Blaine?" the first man said quietly.

"That's right. Something I can do for you?"

"We hope so." The man flipped open a card case and Blaine saw a badge pinned inside. "I'm John Kelly, Homicide Bureau . . ."

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From evidence recently come into our possession we can deduce that "The Adventure of the Snared Drummer" is fated to become the great Schlock Homes's penultimate investigation. For one thing, this is the 11th adventure (rather, misadventure) to appear in EQMM—and there were, as you remember, only 12 adventures in the Conanical Canon. Then, too, the next adventure (rather, misadventure) is now in our inventory and is titled, curiously and ominously, "The Adventure of the Final Problem."

But, dear reader, take heart: in addition to the 12 original adventures, there were, you will recall, 12 memoirs (including "The Final Problem"), 13 adventure-returns, 7 adventure-reminiscence-last-bows, and 12 adventure-problem-cases. So perhaps Mr. Schlock Homes will, in the grand 'tec tradition, have more than one "swan song," more than one "farewell performance" . . .

THE ADVENTURE OF THE SNARED DRUMMER

by ROBERT L. FISH

IT WAS RARE INDEED THAT MY friend Mr. Schlock Homes forsook the sanctuary of our quarters at 221B Bagel Street for the social life that swirled through the London of our day. There was one occasion, however, when he always made an appearance in public: the annual dinner of the Crones, the woman's auxiliary of the Actor's Club. While I have never questioned this complete reversal of my friend's normal tendency towards seclusion, I have always suspected that it was largely due to the fact that the only women with whom Homes felt at ease were Crones.

The dinner in the spring of '52 was a great success. As was customary, the guests furnished their own entertainment, and Homes had given his celebrated imitations of William Gillette and Basil Rathbone and had been received, as always, with enthusiasm. Now, with the entertainment finished and dinner past, the party broke up into small groups that formed colourful islands in the vast hall, discussing the various items of interest of the day. I was standing at Homes's side, attempting to diagnose properly the exact proportions of gin and vermouth in the punch bowl,

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when a small agitated man scurried up and clutched my friend's arm.

"Mr. Homes," he said in a quiet voice that nonetheless carried a note of desperation. "I am in serious difficulty. I have a problem which you, and only you, I am afraid, can solve. I am sure that you do not remember me, but I have been fortunate enough to have met you in the past."

"Certainly," replied Homes with a friendly smile. "You are Mr. Frederick Highe, as I recall, and you are a producer of musical extravaganzas. As to where we met before, it is not as great a problem as you suppose. As a matter of fact, we were introduced earlier this evening."

"So we were!" exclaimed Mr. Highe, amazed as were so many others when, for the first time, they were confronted with evidence of my friend's remarkable memory. "Well, Mr. Homes, I find myself in desperate straits indeed. I would appreciate it very much if you could find it in your power to come to my assistance."

"Of course," Homes replied warmly, drawing our new acquaintance to one side. "Just what is your problem?"

The small man glanced over his shoulder furtively. "Not here, Mr. Homes," he whispered nervously. "No, not here. If you could come to the theatre to-morrow morning at eleven, I shall explain."

He looked around again, his sharp eyes darting in and out of the assembled throng in search of potential eavesdroppers. "I have rented the 'Castle' in King's Row, where I am rehearsing 'The Ruins of Astolat.' Do not fail me, for the love of God!" Without another word our new-found friend detached himself from our side and with one last appealing glance at Homes, melted into the crowd about us.

"A new case, do you suppose, Watney?" Homes asked, frowning in calculation. He sighed deeply as he answered his own question. "It could only be, I suppose," he said thoughtfully. "He has never heard me sing!"

At exactly eleven o'clock the following morning Homes dismissed our hansom at the entrance to the deserted Castle Theatre, and we made our way through the unattended door to the darkness within. In the distance we could see the lighted stage, with our friend Mr. Highe speaking to another man on its empty expanse; but before we could make our presence known, a shadowy figure suddenly barred our way.

"Here, now," he said fretfully. "No admittance, gents!"

"But we are here to see Mr. Highe at his own behest," Homes explained quietly.

"He's pretty busy," said the other, scratching his head. "He's cast-

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ing the Ruins, you know. However, if he's expecting you, please be seated until he is free."

We edged our way to the front row and silently slid into two empty seats while the conversation on the lighted stage continued. Mr. Highe was still speaking to the second man on the stage; this worthy was seated at a table with a paper before him and a pencil in his hand.

"Do you have enough bowmen?"

The other ran a finger down his list, nodded, and made a mark against one of the items.

"Enough halberd-carriers? Pikemen?"

These were dutifully checked off and the man once again nodded.

"How are you fixed for blades?" But before the other could complete his verification of this point, Mr. Highe noticed our presence in the auditorium and came hurrying down the steps at one corner of the stage.

"Mr. Homes!" he cried in embarrassment. "They should have informed me of your arrival. Please forgive me for having made you wait, but if you will be kind enough to come with me, I shall explain everything."

He led us immediately to his office, and once the door was closed fell into a chair, his face white and strained. Homes and I settled ourselves on a divan against the wall as our friend leaned forward in obvious agitation.

"Mr. Homes," he said, twisting his fingers nervously, "I am in terrible trouble. We are planning to open 'The Ruins of Astolat' in less than two weeks, and our principal tympanist has disappeared. He is absolutely vital to the production, for he is the only one who knows the score!"

"Disappeared?" Homes asked, his voice alive with interest.

"Completely vanished. I have checked his rooming house, the local police station, and the four closest pubs, and he has not been seen for over three days. He could scarcely be visiting friends, for he has been in England but two weeks and is acquainted with no one. It is essential, Mr. Homes, that he be located at once."

My friend absorbed this information in silence, his broad, scholarly forehead creased in concentration.

"What is his name?"

"His passport listed him as Richard I. Porter, and his age as thirty-five."

"And his description?"

"He is approximately six feet in height, with a tanned complexion, light-brown hair, and weighing, I should judge, in the neighbourhood of thirteen stone."

Homes nodded. "And you say he has been here but two weeks?"

"Yes. He is an American who came here under contract to me for this one production."

"And he left no note?"

Mr. Highe shook his head sadly.

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"Nothing. Nor any explanation in any form whatsoever. The only thing we found in his dressing-room was a clipping from an American journal, and hoping that you might find it of use, I took the liberty of saving it."

He produced from his pocket a torn piece of newsprint, long and narrow, and handed it to Homes. The great detective took it from the outstretched fingers and leaned forward to study it. I leaned over his shoulder; it was apparently a column devoted to the type of tattling which has become so popular of late, and carried the byline of a certain Hilda Harper. One item had been heavily encircled with black pencil, and read:

> Dig Those Crazy Dues Dept.: The T-men are going to nail some of those musical tax-duckers. One square from Local 802 crossed the pond to lie low, but they have him boxed. Better kick in March 15th or find a better 'ole, pal!

This gibberish made no sense to me at all, but I was amazed at the change wrought in the face of my friend Schlock Homes. His eyes glittered with interest as they raced across the printed lines; his hands tightened convulsively on the fragile paper as he came to the end. He quickly read it a second time, his excitement mounting, and then fell back in deep thought, his thin strong fingers tapping against the article.

"Homes!" I cried. "Is it a code? Have you solved it so soon?"

"It is no code, Watney," he replied slowly. "Would that it were!" He rose to his feet, clutching the column of newsprint in his hand. "Mr. Highe, this promises to be a most interesting investigation. If you will allow me to retain possession of this paper, I shall begin work at once."

"Of course, Mr. Homes," replied the producer, also arising. "I saved it solely for your use. Take it and pray heaven it aids you in solving this mysterious disappearance."

Homes smiled enigmatically. "I fear that 'disappearance' may not be the proper word," he said. "However, sir, I hope to have more definite information for you to-morrow."

"The sooner the better, Mr. Homes," said the producer fervently. "Is there anything I can do?"

"Yes," replied Homes, his jaw tightening as he considered his answer. "I would suggest you begin immediately to instruct another tympanist in the vagaries of your score."

In our hansom back to Bagel Street I attempted to draw Homes out on the cryptic meaning of his last statement, as well as on his interpretation of this odd case; but he remained silent and preoccupied, refusing to take any of the bait I extended. As we approached our destination he suddenly leaned for-

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ward and paid our driver so that we were free to spring from the cab as soon as it wheeled itself to a halt before our door.

No sooner were we within our quarters than he flung himself into a chair, still clutching the newspaper article tightly in one hand, and scowling at it fiercely.

"It is here!" he said, almost to himself. "I am sure of it!"

"But Homes!" I exclaimed. "What is here? It appears to me to be the purest nonsense!"

"No, no, Watney! Far from it. Most of the message is crystal-clear; it lacks but a shade to be complete."

I stared at my friend in astonishment. "Really, Homes," I said slowly, "I can find no meaning whatsoever in those strange words."

"No? And yet, Watney, there is no attempt to disguise the message. It is extremely clear—tragically clear, I might say. It states without equivocation that a group of hoodlums from the London slums have decided to do away with our tympanist. Their reference to the place where they intend to perpetrate this foul deed is all that puzzles me at the moment . . ." His voice faded as he studied the paper with renewed vigour. "Of course! What a fool I am! Quick, Watney, the London Directory!"

In haste I pulled the required volume from our shelf of reference books and handed it to Homes. He ran his finger rapidly down the various listings and then with a bound he was on his feet and turning towards the door.

"I shall return as quickly as possible, Watney," he said, his eyes shining as always at the thought of action. "I suggest you prepare a bull's-eye lantern and see to the priming of your pistol, for if I am correct we shall be busy tonight, and it will not be pleasant business!"

It was quite late in the evening when my friend reappeared. Mrs. Essex, our housekeeper, had laid on a sumptuous tea of toasted Brussels sprouts, and Homes grasped one hungrily, munching on it as he spoke.

"You have the lantern and the pistol?" he enquired. "Good!" His face fell as he added, "I am afraid that we are too late to save Mr. Porter, but at least we shall be able to locate his body and convince our client of the uselessness of awaiting his return."

"His body, Homes?" I cried in dismay. "You mean . . . ?"

He nodded his head sadly. "Yes, Watney. It is almost certain that Mr. Porter is no longer among the living. But at least I know where they have concealed his remains, and it is there that we shall repair as soon as it becomes dark."

"But, Homes," I cried in puzzlement, "I do not see how you were able to locate Mr. Porter simply from the cryptic references in that newspaper!"

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Homes finished the last of the toasted Brussels sprouts, and wiping his lips, dropped into a chair. He lit an Armenian, and once it was drawing to his satisfaction, withdrew the clipping and presented it to me.

"You will note this message, Watney," he said in that slightly superior manner he always adopted when explaining the solution to one of his cases. "The T-men, of course, can only be teddy-boys grown to manhood—and made no less vicious, I warrant, by their added years. Their exact reason for eliminating Mr. Porter is still slightly obscure, although the motive was obviously revenge, since you will note their use of the word 'dues.'

"The references to death and burial are too frequent to overlook. 'Nail,' 'boxed,' 'the better 'ole,' and particularly the reference to the infamous Ides of March. No, Watney, the message was quite clear on these points. It was determining the place where this foul crime was to occur that presented the only problem."

"And how did you solve this, Homes?" I asked, all attention.

He tapped the newspaper clipping with his finger. "It is all right here, Watney! You will note that the message reads: 'One square from Local 802'—that is to say, one city block from public-house Number 802. Across a pond! This afternoon I found pub Number 802 in the licensing-listings of the London Directory, and when I left your company I immediately went to investigate. One square from this public-house I encountered Hyde Park, and across the pond in the park there is but one edifice." His cool eyes stared at me sombrely. "It is an undertaking establishment, Watney!"

I caught my breath at the masterful manner in which Homes had unearthed the truth in this most puzzling of cases. But then my face fell. "That is all very well, Homes," I said, "but how are we to prove your theory to the satisfaction of our client?"

"It is for this reason that I requested you to prepare a bull's-eye lantern," he replied. "To-night we shall break into this evil house and there I am sure we shall find the remains of Mr. Porter, for they will scarcely have had time to dispose of his cadaver." He rose to his feet, pocketing the newspaper article. "I believe it is sufficiently dark now, Watney. Come, let us be on our way—the game is afoot!"

In a short time we were rattling along broad High Holborn in the direction of Marble Arch. Homes was carrying the bull's-eye lantern well concealed beneath his cape, while I had charge of the primed pistol. At the corner of Hyde Park Road, Homes instructed our driver to turn in the direction of Knightsbridge, but before we had proceeded very far, my companion had the driver stop and we descended.

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"We shall proceed on foot, Watney," he said quietly as the cab rolled away. "It would not do to announce our arrival blatantly."

We crossed the darkened park in silence exercising every care to avoid the strolling lovers and political orators, until we found ourselves at the edge of the pond. This we quickly skirted, taking every precaution not to fall in, and moments later we found ourselves before a silent, deserted building. The black windows that stared down on us blankly would have struck fear into the soul of a lesser man, but Schlock Homes, once on the final scent, was beyond fear.

"Watch the path!" he commanded, and immediately tackled the huge door with his set of picklocks. Moments later he called to me softly, and I hurried to join him, passing into the building at his side. Once within, he quietly closed the door behind us and lifted the cover from the bull's-eye lantern, flashing the beam to all corners of the room.

We were within a large area that apparently served as a combination chapel and meeting-hall, for wooden folding chairs were stacked neatly against the wall, and a lectern was pushed to one side. The keen eyes of my friend noted each detail revealed in the uncompromising circle of light cast by the lantern, and suddenly I heard him catch his breath. The light had traversed one wall and was now fixed upon two doors set side by side. Homes smiled in satisfaction at the sight, for they were clearly marked *Hymns* and *Hearse*.

"The one obviously leads to the organ loft," he said softly. "It is the other we want. Come!"

He led the way quickly to the right-hand door and we passed into a narrow hallway that appeared to serve many rooms. With silent tread Homes went from door to door, trying each one, until I felt him pause decisively, his hand frozen on the knob.

"The final proof, Watney!" he whispered in great excitement. "Note the wreath!"

I crowded behind him and peered into the scene revealed by the bull's-eye lantern. There, on plain wooden trestles, lay a coffin, and above it was suspended a curved wreath of flowers. Homes flashed the beam across the satin band spanning the two sides of the floral arch, and my admiration for my friend's analytical powers rose to new heights.

There could be no doubt but that the body of Richard I. Porter lay within the casket, for his initials were clearly printed on the satin band—R. I. P.

The following morning, having sent a report to our client on the special black-bordered telegraph forms Homes reserves for such occasions, I returned to our sitting room to find my friend having his

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first after-breakfast pipe. As was my custom, I sat down and riffled through the daily journals in search of some item which might prove challenging to the reasoning powers of the great detective. I was reading the *Times* when I must have stiffened, for the voice of Homes broke into my cogitations.

"You have found something which might prove to be of interest to us, Watney?" he asked genially.

"In all honesty I am not sure," I replied, studying the article before me carefully. "Frankly, the wording is completely unintelligible to me. It appears to be some form of cryptology."

"Cryptology?" His interest immediately fired, Homes laid aside his pipe and reached eagerly for the folded sheet which I handed him. He leaned forward and began to read aloud:

"One American practitioner of percussion instruments, who eschewed the burden of juridical assessments on his emoluments, is rumoured to have traversed the Atlantic in search of financial haven. His dissembling, however, is purposeless, since the personages charged with pecuniary aggregation by the American Authorities are cognizant of his locative situation."

Homes grasped the paper in feverish excitement, his eyes glittering at the challenge of a new problem.

"Watney!" he cried. "It is undoubtedly a code! It could be nothing else! Quick, my monograph on *Common Codes and Their Cures,* if you please!"

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EDITORS' FILE CARD

AUTHOR: **EDGAR WALLACE**

TITLE: ***Diamond Cut Diamond***

TYPE: Crime Story

LOCALE: London

TIME: A generation ago—but you'd never guess it!

COMMENTS: *Edgar Wallace at his memorable best—crisp, deft, professional . . . Wit versus wit—in the could-have-happened-today exploit of "The Seventy-Fourth Diamond."*

THE STOLID-LOOKING INSPECTOR from Scotland Yard eyed the slim figure of the Rajah of Tikiligi with an amusement which he strove hard to conceal. The Rajah was young, and in the elegant evening dress of civilization looked even slighter than he was. He had a dark-olive complexion, which was emphasized by a small, black, silky mustache, and his well-oiled hair, black as the raven's, was brushed back from his forehead.

"I hope Your Highness does not mind seeing me," said the Inspector.

"No, no, I not mind," said His Highness, shaking his head vigorously, "I glad to see you. I speak English very well, but I am not British subjik. I Dutch subjik."

At first the Inspector was at a loss to put his mission into words.

"We have learned at Scotland Yard," he began, "that Your Highness has brought to this country a very large collection of precious stones."

His Highness nodded vigorously.

"Yes, yes," he said eagerly. "Damn fine jewels, damn fine stones, big as duck eggs."

He spoke to a dark-skinned attendant in a language which the Inspector did not understand, and the man took a case from the drawer of a writing table, opened it, and displayed a brilliant collection of

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stones which glittered and flashed in the overhead light.

The Inspector was impressed, not so much with the value or beauty of the stones as with the considerable danger which their owner ran.

"That is why I have been sent here, sir," he said. "I have to warn you, on behalf of the Police Commissioner, that just now there are two distinct crooks in London who are to be feared."

"I fear not'ing, pooh!" said His Highness, with a lordly wave of his hands. "This man—" he pointed to his attendant— "is big fellow in my country! He is chief policeman, and he treats bad mans very cruel! He cut off heads very quick!"

He said something apparently in his own language to his attendant, who showed two white lines of teeth in a smile.

"Remember, Police Officer Inspector," said the Rajah with dignity, "I do not come to sell. I come to buy—to buy the seventy-fourth diamond for my necklace."

"The seventy-fourth diamond?" repeated the Inspector.

"Seventy-t'ree I have," returned the Rajah, "all of great size and beauty, Behold!"

He walked energetically to the table and took up the case again, selecting one large glittering stone.

"I buy one like this," he said. "He must be as big, as beautiful, as bright, and I pay anyt'ing—millions."

The Inspector pursed his lips.

"Yes, sir," he said grimly. "I dare say. But, at the same time, you've got to look after Benny Lamb, who is in town, and he's a pretty slick fellow."

"Is he bad mans?" asked His Highness, interested.

"A very bad man," said the Inspector gravely. He almost said "mans."

"Well, cut off his head," suggested His Highness. "It is very simple." He shrugged.

"It isn't quite so simple in this country," replied the Inspector, trying not to smile, "because we have to have what we call evidence, even before we can put him in prison, and we have no evidence against Benny Lamb."

"In my country I kill bad mans very quick," said the Rajah complacently. "My country is a beautiful country! I have t'ousands and t'ousands of slaves who work in my mines—"

"Exactly, Your Highness," interrupted the detective, "and that's why the second crook is even more dangerous. He calls himself The Mixer. If he finds that you get money out of slaves, he'll come after you, and you'll be very fortunate if you get your diamonds away."

"The Mixer?" said the Rajah, puzzled.

The detective explained the scope of The Mixer's operations and related certain events of the past. Before he left the Grand Empire Hotel, in which palatial building the

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Rajah occupied a suite of ten rooms, the detective felt that he had impressed His Highness with a sense of his peril.

The Rajah and The Mixer were being discussed in a fashionable restaurant in the West End, where Mr. Benny Lamb, a well-tailored elegant young man of transatlantic origin, was discussing with two familiars the possibilities of making the biggest coup of the year.

"He's rolling in money, absolutely rolling in it," he said, shaking his head reproachfully, "and it's easy for us, Jim."

Jim, a little red-haired man, sniffed skeptically.

"There ain't any easy money in the world, Benny," he said, "but if what you say about the Rajah is true, he's the nearest approach."

"There's only one thing we've got to watch," said Benny Lamb seriously. "I've had the tip that The Mixer is back in town. You remember that chap who was here a year ago and got away with the bankroll of every crook in town? Well, he's back. I met Baltimore Jones, who's seen him here, and he says The Mixer cleaned him out, not long ago, and left him stranded in Paris —the swine!"

"Will he go after the Rajah?" asked the third man.

Benny nodded.

"He's the guy that will attract The Mixer like a magnet attracts iron filings," he said. "I saw the Rajah at the theater last night in a box. He had diamond studs, diamond links, and I'm dashed if he didn't have a diamond watch chain! It glittered like a Christmas tree, and then some. One of the waiters at the hotel told me that he wore diamond buttons on his pajamas."

"What's the plan?" asked Jim, and Mr. Benny Lamb considered for a moment.

"He's here buying diamonds," he said. "You wouldn't think he wanted to buy 'em when he's got the whole earth of them, but that's his vice. He's got a necklace at home, according to the accounts I've heard from waiters—I'm in with the waiters at the Grand Empire—with seventy-three big diamonds, and he's out to buy the seventy-fourth. Now, my idea is that I get a collection of sparklers together and drop in on him and have a little talk. I think I know where I can get the very diamond he wants, but that's beside the point. What I want to do is to see his principal stones, get a few specimens of imitation that look like 'em, and ring the changes when I call on him with the real goods."

"I know something better than that," said Jim, and Benny looked with respect, because Jim had flashes of inspiration. "Work the old con trick on him," said Jim. "It sounds simple, but those kinds of fellows fall for the con quicker than any."

Benny could not see how the confidence trick could be worked, and Jim explained.

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"You go and see him, all dolled up, and take as many sparklers as you can get together—genuine ones. Take 'em in a bag and set 'em down careless-like. Tell him you'll call for them tomorrow. These Eastern people like that sort of thing. The next day, when you go, ask to see one of his big 'uns. Tell him you think you can match it if he'll let you take it with you."

"Bah!" said Benny contemptuously. "Do you think he'd fall for that? I thought you were going to suggest something sensible."

They sat until the restaurant closed before they had formulated their plan. The next day Mr. Benny Lamb drove to the hotel in an elegant motorcar and sent his card to the Rajah of Tikiligi, and the dark-skinned potentate received him immediately, because Benny's card, beautifully engraved, was inscribed with a name which looked at first glance like the name of the greatest diamond merchants in Hatton Garden.

He brought with him a respectable package of diamonds, for Benny commanded considerable resources. He had, moreover, friends in the illicit diamond trade who could supply him with an impressive quantity. His Highness came from his bedroom into the big sitting room attired in a silk dressing gown. He was chewing vigorously.

"Betel nut," guessed Benny, who had some acquaintance with the East.

The Rajah was a little suspicious, or appeared to be, and would not at first talk diamonds.

"I cannot see you without appointment," he said, shaking his head. "How I know you are not a Mixer?"

Benny laughed good-humoredly at the suggestion.

"I'm glad you have heard of that rascal," he said, and then as a thought struck him: "Has he been troubling you?" he asked quickly.

"No, no, no," said the Rajah emphatically. "I have no troubles. Now, what do you want?"

Benny Lamb plunged into his business without further preliminary. He was a glib, well-spoken, and most convincing man, and presently he produced from his bag a cylinder of blue velvet which he unrolled, displaying to the Rajah's approving eyes a number of diamonds of extraordinary size. The Rajah took them up and examined them, putting them down one by one with a little sniff.

"She is no good," he said, "and this one, she is no good also. These are little ones. They are no use to me. I desire a great one. I will show you."

He clapped his hands, and his attendant came in, and to him he spoke in a strange language. The attendant produced from a drawer a blue velvet case and opened it, and Mr. Benny Lamb stepped forward and drew a long and ecstatic sigh of admiration. The stones which

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glittered in their velvet case were full of beauty and brilliance.

"May I—" He put out his hand, but the attendant closed the case with a snap.

"No, no, you shall bring me some stones like that," said the Rajah. "Tomorrow, perhaps, or the next day. At what o'clock will you come, Mister?"

"At five o'clock tomorrow afternoon," replied Benny Lamb, inwardly glowing with joy.

"They good stones I show you, eh?" said the Rajah with a broad grin. "What you think they worth?"

"There isn't one worth less than fifty thousand pounds," said Benny.

"And do you think you can get me one as good?" asked the Rajah eagerly.

Benny did not trust himself to speak. He nodded.

When Benny Lamb rejoined his little gang that evening his plan was cut and dried.

"Faukenberg will have to supply the stones," he said, referring to the most notorious "fence" in London, a man who dealt only with the swell mobs and handled property which would have scared a lesser man. "It must be as near the size of those that Rajah has as makes no difference. I tell you he's a pretty shrewd guy that, and if it looked little, as likely as not he wouldn't handle it. Come round to Hody's and we'll have a drink on this."

The three men went off together to their favorite bar, and on the way Mr. Lamb gave an account of the interview.

"And he's heard of The Mixer, too," he said with a little chuckle. "That rather seems to me as though that guy is after him. I made a few inquiries. I know some people at the Grand Empire, and there have been one or two mysterious young men knocking around."

Hody's was crowded, but they wedged their way to the bar and, standing by the marble counter, they had their drinks and raised their glasses in an unspoken toast.

Benny was paying for the liquid refreshment, when the barmaid with a smile said, "Is that your letter on the counter?"

"Not mine," said Benny, turning. There was an envelope almost at his elbow, and as he picked it up his brow puckered. "Mr. Benny Lamb," he read. "Now who the devil left that here? Did you see anybody?"

His companions shook their heads. Benny ripped open the flap, took out a single sheet of paper, and read:

> You are after the Rajah's diamonds and so am I. There is no reason why we should clash, and it may be advisable for us to work together and share the swag. Will you meet me at the corner of St. John's Avenue, Maida Vale, at ten o'clock tonight? Come alone, and I also will be alone.

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"Well, I'm—" Mr. Benny Lamb gasped. "Well, if that doesn't—Share the swag, eh? What do you think of that, boys?" He handed the letter to the men, and they read.

"Are you going?"

"Yes, I think I will," said Benny after a pause. "I'd like to have a look at this fellow. We may run against him one of these days and it'll be useful to know who we've got to watch out for."

At ten o'clock promptly Benny was at the rendezvous, and as a neighboring clock chimed the hour a young man walked across the road and came straight toward him. He was wearing a long coat with the collar turned up, a soft felt hat pulled down over his eyes, and as he stood with his back to the street lamp, Benny had no opportunity of seeing his face.

"Benny Lamb?" he asked quickly.

"That's me," said the gentleman in question and glanced round suspiciously to see if The Mixer was accompanied. But, apparently, he was alone.

"Let us walk up this street, it's quiet," said Anthony, The Mixer, and falling in at the other's side, they paced steadily up the broad deserted thoroughfare.

"Now, I'm going to come to the point quickly," said Anthony. "Are you willing to stand in with me on the Rajah?"

"I don't know what you're talking about," said Benny Lamb. "If you're trying to make me admit that I am contemplating a robbery, why, you've made a big mistake, Mr. Man. I shouldn't have come here at all, only I thought I'd like to correct a wrong impression you seem to have got—"

"Cut all that stuff!" said Anthony impatiently. "Are you going to divvy the swag?"

"Do you think it is likely, Mr. Mixer, that I'd split with anybody if I was after the Rajah's sparklers? And I want to tell you this." He stopped suddenly and slapped the other on the chest, peering into his face. "I believe you've got into the habit of relieving crooks of the money they've earned. Well, you can get it out of your mind so far as I'm concerned. If I get the stuff from the Rajah I know how to hold on to it!"

"I've no intention of depriving you of your hard-earned reward," said Anthony sardonically. "I am only here to make you an offer. Will you share half and half?"

"I'll see you in hell first," said Mr. Benny Lamb dispassionately.

"All right," Anthony nodded. "Then there's nothing more to be said."

He was turning away when the other gripped his arm.

"Here, my son," he said. "Let's have a look at your face."

He was reaching up to snatch off the hat when something hit him on the jaw and he went down. He

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thought at first that Anthony had used a stick, but apparently he had relied on his own fist.

"Get up," said Anthony, "and apologize for taking a liberty."

Mr. Benny Lamb was in so dazed a condition, less from the effect of the blow than the unexpectedness of it, that he had not even breath for an apology.

Anthony looked at him for a second, then laughed silently, and turning on his heel, walked away. Mr. Benny Lamb made no attempt to follow him. He did not recount all the circumstances of that interview to his companions, because he felt they were not wholly creditable to himself. And he wanted to forget that blow until he could afford to bring it back to his memory. Then he would have an account to settle with The Mixer. Curiously enough, there were exactly twenty-five men in London at that particular moment who had promised themselves a similar treat.

Early the next morning he called upon the redoubtable Faukenberg, who had an impressive jeweler's shop in Clerkenwell. Mr. Faukenberg did not protest against the suggestion that he should lend one of his valuable stones to a crook with three convictions behind him. He was far too sensible a man, and when the story of the Rajah's wealth had been told, he had no other thought than the question of profit to himself.

"I can lay my hands on a stone like that," he said, "but it will cost you a bit of money, Benny,—just for the loan of it, I mean. It's worth thirty thousand pounds. It was brought to me from Paris by Lew, who touched a French countess for all her jewelry. I haven't attempted to get rid of it until the heat is off, but it is the very thing for you, and I'm not so sure that you couldn't make a straight deal of it by selling it to the Rajah. He's not likely to read the 'Hue and Cry' or know anything about missing jewelry which is wanted by the police. It will cost you a thousand pounds, the loan for three days, Benny, and, of course, I shall hold the money I've got of yours as security."

"You needn't worry," said Benny with a grin. "I shan't lose your diamond."

He kept his appointment with the Rajah, having first telephoned to the hotel to make sure that the buyer of jewels was accessible, and he came into the Rajah's presence with the diamond in one pocket and a passable imitation in an exactly similar case in another. The Rajah took the real diamond and examined it.

"Yes, yes," he said, "it is a beautiful stone, a very beautiful stone."

He was evidently something of an expert, for he produced a jeweler's loupe and examined the stone critically.

"What do you want for that?" he asked.

"Thirty thousand pounds," said

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Benny, and the Rajah looked wistfully at the stone.

"It is much money," he said, "and perhaps I do not buy him. No, I do not think I can pay thirty thousand pounds. It is too small, too."

He handed back the case with a regretful shake of the head.

"You see I have so many bigger." He said something to his attendant, who again produced the big flat case filled with sparkling stones.

"This one, or this one, is immensely large." He pointed to one and Benny looked at it. "This one is of the same size as that which you have brought." He pointed to a flashing, scintillating thing of beauty which lay by the side of the larger brilliant.

"So it is," said Benny. He slipped his hand into his pocket, opened the case which contained the fake diamond, and palmed it skillfully.

"May I look at this stone, Your Highness?"

"Yes, you shall look at it. Yes, it is beautiful to see, and it is better than yours, for it is worth forty thousand pounds."

"Wonderful!" murmured Benny, and picked up the stone.

He was brilliant in his own line. Under the very eye of the dark-skinned potentate the stone he had taken from the case in his pocket was substituted for the Rajah's property.

"Very beautiful," he said, gripping the Rajah's stone in the palm of his hand and putting his own back in the case. "Now, can't I persuade Your Royal Highness to buy this stone?" he said.

"It is not good enough," said the Rajah, shaking his head. "Perhaps tomorrow I see you."

"Perhaps tomorrow you won't," thought Benny, as he strolled down the marble stairs to the vestibule and sprang into the cab which awaited him.

He drove straight back to Faukenberg, elated with his success. He half expected to see a representative of The Mixer waiting for him on the doormat, but he reached Faukenberg's and dashed into the little back parlor where his two confederates were awaiting him.

"Got it," said Benny triumphantly. "Now this is where we make a quick getaway to the continent, Faukenberg. You look after the stone and market it."

"What did you do, ring the changes?"

Benny nodded.

"If he had bought my stone it would have been more simple," he said. "I could have rung one with the other. As it was, I just had to work it the other way, around, take his sparkler, and put my beautiful imitation in its place." He chuckled. "Here's your diamond, Faukenberg; and it's not worth a thousand, old son."

"It was worth more to you," said Faukenberg calmly, as he opened the case. "You can't get a stone like that—My God!" His face went pale.

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"What's the matter?" asked Benny anxiously.

"This—this is not my stone," faltered Faukenberg, "You fool! What have you done?"

"Not your stone?" gasped Benny.

"You idiot!" roared Faukenberg. "This is an imitation paste thing that you can buy in Bond Street for a fiver! Go back and get my stone!"

Benny had turned pale. "Are you sure?"

"Go back and get it!" screamed the "fence," and Benny leaped into the first taxicab he could find and flew to the hotel.

His quest was in vain. The Rajah had left the hotel almost immediately after Benny had gone.

"Are you a friend of His Highness?" asked the troubled manager. "He has not paid his bill this week—he went away so hurriedly and so mysteriously that I must say I'm a bit worried."

"A friend of his?" said Benny in a hollow voice. "No, I'm no friend of his."

"Pardon me, what is your name?" asked the manager suddenly. "You're not Mr. Lamb?"

"That is my name," said Benny.

"Oh, then he left a note for you."

Benny tore open the letter, and his heart sank when he saw it was addressed in the same hand as the letter which he had received the previous night. The message was brief:

Thanks very much for the stone and love to Faukenberg.

It was signed "The Mixer."

At that precise moment Paul, the "Rajah's" attendant, in The Mixer's Westminster lodgings, was rubbing the yellow coloring from his face with coconut butter, while Sandy performed the same office for Anthony.

"Paul," said Anthony, evading Sandy's attentions for a moment. "I forgot to leave the money for the rent at that infernal hotel."

"Two hundred pounds a week for rooms," put in Sandy, "it's wicked, sir. And you've still got three days of the week to go."

"I'll send the money on in banknotes this afternoon," said The Mixer, "and I think I'll write to Benny and ask him if he'd like to be my guest there for the three remaining days. Poor Benny deserves that much."

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***a new story by* HELEN McCLOY**

A new and different kind of crime story—of bootlegging, addiction, subversion in the future . . . *and surely a most unusual story from the creator of psychiatrist-detective Dr. Basil Willing . . . or is it?*

NUMBER TEN Q STREET

by HELEN McCLOY

WHEN TOM BEGAN TO SNORE, Ella switched off the TV and moved quietly toward the hall closet. He had drunk six cans of neo-beer, one right after another. That was usually enough to put him out for a good hour, and one hour should be enough.

She pulled open the door of the closet. The hinges didn't squeak. She had oiled them this morning when Tom was out at the bowling alley. Or was it the poolroom? She could never remember which were Tom's bowling days and which were his pool days.

She slid her arms into the sleeves of her coat and buttoned the collar high under her chin. She reached for her handbag and—oh, God!—the car keys fell on the floor with a loud jangle.

Tom stirred, without opening his eyes, and muttered, "Ella?"

"Yes, dear?"

"Whereya goin'?"

"Nowhere, dear. Just out for a breath of fresh air."

"Ge'me packa cigs, willya?"

"Yes, dear."

"An' leave on Chann'l twenny-four."

Ella switched on the TV. A crash of canned laughter filled the room. Tom began to snore again, but this time she left the TV on. Perhaps it would function as a lullaby, keeping him quiet until she got back.

She closed the door softly behind her and walked toward the automatic elevator. When it was first installed, she had used the fire-stairs, even though she lived on the tenth floor. Others, who shared her phobia, did the same until the management found out. Now all the doors to the fire-stairs were locked.

"Suppose there's a fire?" Ella had asked the man in charge of maintenance.

"I'll come around with the keys."

"Suppose there isn't time?"

"Can't be helped. Can't have you folks sabotaging General Elevators."

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"Not using one elevator is sabotaging General Elevators?"

"That's for sure. If everybody went back to using stairs, General Elevators would go out of business and where would our economy be then?"

So she had to use the unmanned elevator in which she firmly believed that anything could happen. She could be stuck between floors, alone, sealed inside a mechanism she didn't understand. Or she could be attacked and beaten by some of the bored and idle boys who were always drifting in and out of the building. Not for money. Just for fun. Automatic elevators were a favorite place for such beatings. No one really blamed the boys. What could anyone expect when there were no schools beyond third grade for those who lacked engineering aptitude? The only skill most people needed was ad-literacy and that could be acquired in three years.

Tonight the elevator was empty. The lobby, too. As she stepped into the street, a bitter blast of winter mind snatched her breath away. She bent her head as if she were diving and moved into the harsh current of air. She didn't dare take the car. Someone might notice the license number. Pedestrians were subject to many rules and regulations these days, but, at least, they didn't have license numbers—not yet . . .

The cold wind had swept the street clean of people. Now and then a car glided past, but there was no real traffic. Would there be more when she got to Q Street? She had never been to this particular place before.

She had not risked writing the address down, but it was fixed in her mind: *Number Ten Q Street.* Easy to remember. She had only to think of Queer Street.

But every time she thought of it, she had a searing sense of shame. Why couldn't she be like other people?

But she wasn't. That was all there was to it. She could go for weeks, for months even, without satisfying her abnormal craving and then . . . the Desire became so overpowering that nothing else mattered. Once she had been forced to put a sleeping pill into Tom's neo-beer after dinner in order to get away. She wasn't really that sort of person. Or . . . was she becoming a different sort of person, now?

She shivered, not from cold. What would Tom do if he ever guessed the truth about her? He was so simple, so normal. He had no morbid desires. He could never be made to understand a person who did . . .

Her flying feet brought her to a squalid neighborhood. The moon had risen. Its cold light was pitiless to the diseased buildings. Peeling, eczematic paint. Scabrous, suppurating brick. Cramped, arthritic

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fire escapes. Filth everywhere—on grimy windowpanes, in trash cans and gutters, on worn steps before dark doorways. She looked up at a sign: Q Street.

She thought she saw darkness move in one of the doorways. Now she was really afraid. This was like stepping into the elevator alone and hearing a step behind her and then turning to see a tall, strong boy with a bicycle chain in his hand.

But she couldn't go back. She had come so far and she didn't know when she would have the chance again.

Once more the darkness moved. And this time she saw the gleam of a knife.

"Oh, no! Please . . ." Ella could barely speak.

And then, faintly, it came—that sweet, memorable, enticing fragrance.

Her fear melted.

"Oh, please let me go in! I must, I must!"

The boy was young, surely under twenty, but he was looking at her with the ancient contempt of panderers for the vices they live on. "You goin' in Number Ten? What's the word?"

Her voice quavered over the word a friend had whispered to her weeks ago—a word salvaged out of the faraway past. "Speakeasy," Ella whispered.

"Okay." His thumb jerked toward the last house in the row behind him. Silently he slid back into his doorway. A guard. Of course. They would have to take such a precaution.

Outwardly, Number Ten was just another dingy tenement—street door open, doorbells and letter boxes in a vestibule, inner door locked. She had been told to ring the bell marked 3A. A wheezing mechanism, one of the earliest forms of automation, opened the inner door.

She drew her coat away from the greasy walls as she climbed the stairs. If Tom could see her now . . .

There were no bells on the third floor. She knocked on the door marked 3A—three short knocks and two long. It opened on a chain. A bloodshot eye looked at her through the slit.

"Yeah?"

She stammered a little as she gave the second countersign. "J-joe sent me."

The door swung open. She darted inside. In an instant the door had slammed behind her.

The room was large and relatively clean. Waiters moved among small tables covered with red-and-white checked cloths. At the far end was a long counter where people sat on stools. It would be cheaper at the counter, so she found a vacant stool.

The counterman wiped a place in front of her. "Kind of young to be here, aren't you, lady?"

"I'm of voting age."

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"Yeah?" He was sadly skeptical. "What'll it be?"

She moistened dry lips with her tongue. "If you please—if you could let me have . . ." It was hard to say the words. But now the fragrance came again, stronger, more enervating, but irresistible. She threw shame to the winds.

"I want a slice of real bread!"

The sadness in his face deepened. "And I suppose you want real butter, too? Butter made from cream that comes from cows. Filthy, smelly, old cows covered with mud and straw and dung and flies."

"Yes—yes, I want real butter."

"Are you sure? Don't you ever read ads? Even if you can't read, you must listen to commercials! Wouldn't you rather have Low-price Spread, test-tube fresh, synthesized in General Nourishment's fully automated laboratories? A spread that's not just clean, but sterilized. It can be kept fresh forever because no mold or bacteria can grow in it. Not enough nourishment for a single bacterium. Yet it will fill your stomach and keep you from feeling hunger."

She lowered her head. She couldn't meet his eyes. "But I want *real* butter. And *real* jam, made with fruit and sugar and nothing else, not even a preservative."

"That's going to cost you plenty."

"How much?"

"One hundred dollars for the bread. Twenty-five for a pat of butter. Thirty for two ounces of jam."

"I have cash." She clawed open her purse, counted out $155 in small bills, and tossed them on the counter. "I've been saving for months."

He scooped up the money, then paused as he noticed her wedding ring. "I don't often try to help the girls who come here, but you're married and—you're so young. You do know what you ought to do, don't you? Pick up that money and walk right out of here as fast as you can before it's too late. Go straight home to your husband and heat up one of those delicious frozen Tasteegood Teevee Dinners manufactured by General Nourishment. Nylon meat; chlorinated, aerated cotton bread; dehydrated, homogenized potatoes; synthetic, chlorophyll vegetables. Will you do it?"

"No." Ella's voice was firm.

The counterman sighed. "Do you know what's in this bread you're asking for? Flour. Real flour. And that's made by taking two dirty old stones and grinding up the fruit of a weed called 'wheat' that grows in soil—rightly named—soil, mud, earth—the earth that both human beings and animals walk on. Have you ever tasted the stuff? Or is this your first—"

He faltered as his gaze went beyond Ella. She turned. Another man was standing behind her—a short, fat man with a smooth face and slitted eyes.

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"Preaching again, Marvin? That's not what I pay you for! Take the little lady's money and give her whatever she wants. If I catch you trying to reform my customers again—"

He patted Ella's shoulder. She shrank from him, but a moment later all that was forgotten. There, right in front of her, was a slice of real bread, still warm from the oven, crusty and munchy between her teeth, tasting of ripe grain and sunshine and rain from heaven. And running with real butter, golden, melting, scented with clover. And the jam was made of real black currants and real sugar, sweet and tart.

She didn't care what the commercials said. Jam synthesized from carefully selected peanut shells and old shoesoles did not taste like this. Any more than what the Kremokup people put in their Instantkaff tasted like real cream in real coffee—any more than the orange powder which General Nourishment had christened Tango-Seville tasted like juice from real Seville oranges.

Recklessly Ella ordered another slice of bread.

A man sat down on the stool beside her. "A steak, please," he said brazenly. "A real steak, cut from a steer, and broiled rare."

"Anything with it, sir?"

"Yes, real potatoes, French fried, and hearts of lettuce with chives and Roquefort dressing."

"You know what that will cost you? Two thousand dollars."

"Okay."

Ella was impressed. This man was no member of the consuming classes. They didn't have that kind of money. She stole a glance at him and knew, instantly, that she had seen him somewhere before.

But where? He couldn't be a friend of Tom's. All Tom's friends, like Tom himself, were simple consumers. Could she have met this man at one of her mother's big parties? Her mother had a great uncle who owned some stock in General Transportation. Now and then a few stockholders and scientists turned up at her mother's parties. But if this man had met Ella at her mother's, he might recognize her now. He might tell her mother he had seen her here. Good God, he might even tell Tom—

She ought to leave now, at once, before the man noticed her. But she couldn't, not until she finished eating that second slice of bread and butter.

She risked another glance at the stranger. He looked important. A lean, craggy face. Dark eyes sunk deeply under black brows. Even his clothes . . . She had never seen real wool, but the suit he was wearing didn't look like any synthetic she knew. He even wore a ring on the little finger of one hand, a massive ring that didn't seem a bit like the "Jooljunk for He-Men" advertised on TV. Could it be real gold?

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Her second piece of bread was served at the same time as his steak. She had never smelled a real steak before. She could feel saliva gather on her tongue.

The man was looking at her. "Like a bite?"

Never, never talk to a strange man in a dive, but . . .

"Could I? Just one little bite?"

"Why not?" Even his smile was tantalizingly familiar. Still she couldn't place him.

She chewed the morsel of steak, closing her eyes in ecstasy.

He was still smiling when she opened her eyes. "Why didn't you order steak yourself?"

"I don't have two thousand dollars."

"Then we must share this."

"That wouldn't be fair to you."

"Oh, come on! You're a pretty girl. I like you." His voice was almost a drawl, lazy, reassuring. Ella hesitated. Then he, too, noticed her wedding ring. "Married?"

"Yes. To a good man. He's never been in a speakeasy in his life."

"Unemployed?"

"Of course. He has no scientific aptitude and machine-minding jobs are so scarce. He's been on the waiting list for years. But he'll never get one. It doesn't bother him any more—not since we went on Full Automation; he gets paid a full salary for consuming instead of working."

"How does he spend his time when he isn't consuming?"

"He bowls and plays pool on alternate days. Then he comes home and drinks neo-beer with his Tasteegood Teevee dinner, and watches commercials and goes to sleep. He believes everything he sees and hears on commercials."

"But you don't?"

"No. I think they're bunk." The steak and bread and butter together had gone to her head. She had forgotten the old adage: Never mix foods.

"Tom consumes everything that is advertised on TV," she went on. "Everything from underarm deodorants for football players to the kind of cigs mountain climbers smoke on cliff tops. And as for food! Tom loves every synthetic that General Nourishment puts out—even the laboratory-tested, artificial eggs with the chemical formula stamped on the edible, plastic shell. He consumes about five thousand calories a day and then, when he gets overweight, he goes on General Nourishment's Reducto Wafers to get himself back into shape for consuming again."

"How is he on clothes?"

"The best consumer that General Garments ever had! You should see his sports shirts. When they vaporize themselves at the end of three months, he goes right out and buys more. After all, as he says, 'That's what I'm paid my salary for—for consuming.'"

"I suppose most people are like Tom," mused the stranger. "Per-

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fectly willing to consume anything they are told to as long as everybody else is doing the same thing. People like you and me are deviates, sports of nature. Lucky there are so few of us."

"Why?"

He looked at her surprised, almost shocked. "Surely you realize that an Expanding Economy Under Full Automation will collapse unless everyone consumes as much of the same things as possible; and these things must be the cheapest things possible—which means they must be synthetics. We should do everything we can to support General Nourishment, General Transportation, General Buildings, General Communications, General Entertainment—all the General Organizations. They've brought plenty to everyone."

"Plenty of what?"

"Food, cars, houses, TV sets—everything that makes life worth living."

"But all synthetic," said Ella. "All mass-produced and all exactly alike."

"They have to be. Otherwise there wouldn't be enough to go round and still make a profit under Full Automation. Can you imagine how wasteful and downright wicked it was in the old days? Think of the human labor and time, the capital and raw materials invested in just one pot roast made of real meat and real vegetables. Absolutely uneconomic and inefficient! Today General Nourishment's automated food laboratories can turn out in less than three minutes as many as five hundred thousand synthetic pot roasts, frozen and imperishable, at a cost of less than one-tenth of one cent each."

"I suppose so, but . . ." Ella frowned. "Once you've tasted real food, you just can't enjoy synthetics. Why don't we do as the English do? Let addicts buy a little real food once in a while on a doctor's prescription? Then there wouldn't be all this bootlegging and crime."

"You'll be saying next that you approve of the French system—medically inspected, government-licensed restaurants where real food is sold openly."

"You think that's bad?"

"I know it is. For one thing, the medical inspectors are underpaid and careless. The indigestion rate in France is appalling, and it increases every year."

"It's hard to realize that in our great-grandparents' day everybody ate real food and no one thought of it as a crime."

"Their death rate was higher than ours."

"But they had more fun while they were alive."

He grinned. "You really are subversive, aren't you?"

"I don't see why something that was normal for our great-grandparents has to be abnormal for us."

"A few hundred thousand years ago primitive man thought sexual

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promiscuity was normal, but for us it would—"

His voice was drowned by the shriek of an alarm bell.

"RAID!" shouted the counterman.

The fat man with the smooth face made his voice carry without shouting. "Keep your seats, everybody! Be calm—we'll handle this!"

The stranger's face was grim. "I mustn't be found here."

Ella's lips tightened. "Maybe—if we could phone a lawyer—"

"You forget the telephone's on full automation, too. Besides, we'd never have time to dial the complete area-code number."

The waiters moved like lightning. In a few moments every trace of food had vanished from the room and Ella could hear the grinding noise of an old-fashioned garbage disposal unit in the kitchen. Roulette wheels were placed on some of the tables, dice and cards on others. And just in time. Only a few moments later an ax crashed through the door and a dozen uniformed policemen poured into the room.

One officer turned to a man in a resplendent uniform. "Must have been a false tip, Chief. Nothing going on here—nothing but a little gambling."

"Wait." The Chief of Police held up his hand. "Do I, or don't I, smell freshly baked bread?"

The fat man moved forward, a smile on his smooth face. "Not one crumb of bread in the place, Chief. Take my word for it." As he spoke his hand went out. Ella thought she saw something pass from one man to the other. She was almost sure that the Chief of Police put his hand in his pocket immediately afterward. He was smiling now. "Guess it was a phony tip at that. Carry on, folks! If I wasn't on duty, I'd join in the blackjack game."

"He didn't even look in the kitchen," whispered Ella.

"He was paid off. Didn't you notice?"

"How awful!" She rose. "I must go now. Goodbye and—I don't know how to thank you for the steak."

"It was a pleasure. I'll walk with you to the end of the street. This neighborhood isn't safe for a young woman alone."

They went down the greasy stairs together, out into the cold windy night. The shadowy figure of the boy on guard had vanished from the doorway. In the moon's light the street seemed empty—as empty as a lunar landscape.

I hope he's not going to kiss me, thought Ella, just because he met me in a speakeasy.

She halted with a gasp. She was looking across the street to a car parked at the curb, a black car with white letters on one side—the dread letters A.E.P.

"That car!" Ella's voice shook. "You know what those letters mean?"

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"Advertising Enforcement Police." His voice had changed. It was no longer the lazy, confidence-inspiring drawl of a man weak enough to indulge himself in bootleg steak. It was now the stern voice of a dedicated moralist. Even his eyes had changed, and he made no effort to hide the deep contempt in them.

"I'm an Inspector of the A.E.P." In his hand she saw the identity card—signature, photograph, government seal. "I've been following you for some time."

"So that's why your face was so familiar!"

"Tonight I recorded your conversation with me in the speakeasy. My ring is a microphone."

"But it has no wire connection!"

"You little fool! As long ago as 1963, they had microphones without wire connections. You're under arrest."

"But . . . you led me on! You're a member of the secret police—"

"Of course. How else could we ever make an arrest?"

"And the charge?"

"Subversion of the whole economy by failure to perform your duty as a consumer of synthetics willingly, cheerfully, and patriotically. Conviction is certain. With Full Automation and computers on the Bench, a miscarriage of justice has become impossible."

"And the penalty?"

"A deep-freeze cell for life. We can't have people like you around. This sort of thing might become contagious."

"May I call my husband? Please!"

"No."

Ella screamed as he shoved her into the car. She was still screaming as the A.E.P. car drove away in the moonlight.

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THE CAESAR COMPLEX

by RUFUS KING

(continued from page 40)

Dr. Ainsworth completed the post-mortem by four in the afternoon. Then he joined Stuff, after a telephoned appointment, at the Happy Angler, a neighborhood-type tavern on one of Halcyon's comfortable backwater streets. Except for the bartender (in a state of advanced hypnosis over a dope sheet for an evening at the dogs) they had, as was expected, the place to themselves.

"I can only repeat," Dr. Ainsworth said, "what I told you this morning. The guy was blitzed. I found nothing inconsistent with—and I say this without blushing—with that expert conclusion."

"Look, Bill, don't get me wrong about this—it's simply that I have an uncomfortable feeling about the situation. What I'm trying to get at is this—did you find *everything* consistent with a death by lightning?"

"Brother, have you gone nuts? There is nothing consistent with a death by lightning and, what's more, aside from the marks and burns, the pathologic findings are never characteristic."

"Which reduces your diagnosis, one can only presume, to the mystical revelations of a crystal ball."

"All right, wise guy, you're asking for it, so I'll give you the range of possibilities. Take the internal effects, which are in my department. At times they're so severe that bones are fractured, intense injuries are done to the brain, and blood vessels are ruptured. All of which mayhem is due to variable resistance to the massive electrical charge which represents, in case you care to know, a potential of three million, six hundred and four thousand volts."

"You say at times—I take it there's the opposite extreme?"

"You take it correctly. As an example, there was one case of death by lightning autopsied in New York City in which the only internal lesion produced by the bolt was a rupture of the intima and elastica of the basilar artery—"

"Take it easy, chum. What's an intima and a basilar artery?"

"Innermost coat of an organ, and a basilar artery is found inside the guy's skull. With our late Mr. d'Este the meager and sole internal findings were fluid blood in the heart, a modest congestion of viscera, a slight edema of the lungs, and other frail oddments all pointing to a conclusion that death oc-

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curred immediately after the shock."

"A delicacy on the part of the gods, perhaps, out of respect for the Emperor Caesar."

"What's the Emperor Caesar got to do with it?"

"Never mind."

"Believe me, pal Poirot, I won't. What caused the delicacy, as you call it, was the fact that he was standing out in a torrential downpour and as a result was sopping wet all over. His whole body was a perfect nonresistant conductor for grounding the bolt, the fatal shocking power of which, we may speculate, threw his body muscles into a violent tetanic spasm causing instantaneous death."

"You're fence-straddling again, dear master. You said, 'we may speculate.'"

"I did and I do. For the plain reason that the mechanism of death from electricity remains, to put it kindly, a matter of much dispute. There are those who consider that the electrical current traverses the heart and that death is caused immediately by ventricular fibrillation. And there are others, equally authoritative, who believe that death results from the paralyzing action of the electrical current on the respiratory center in the medulla—and go find your own dictionary if you want a translation of that."

"The nickel, and you takes your choice."

"Exactly. But one thing you can bank on, brother, and that is the weapon. Thanks to the calling card left by the bolt."

"The arborescent burn?"

"Right. And to wrap this kaffeeklatch up, my verdict—in language that any bird brain at the inquest will be able to understand—remains what I said before—death from electrical shock produced by a bolt from the blue."

Dr. Ainsworth emptied his stein, shoved back his chair, and started to stand up.

Abruptly Stuff said, "Wait."

"Why?"

Stuff's voice held a confused sort of ferment, the reaction from a mental gymnastic that had knocked all preconceived notions out of his head. "Because it's just hit me that we could be wrong."

Dr. Ainsworth sat down. "And who is using the crystal ball now?"

"It's no crystal ball. You believe in the subconscious, don't you?"

"Most heartily I do. If I ever get out of this racket I may go in for psychoanalysis and become filthy rich. And just what has yours been mulling around with and suddenly given birth to?"

"Bill, tell me this . . ."

Mr. Hals Vandernick, who kept his body in excellent physical trim, swam his sixth and concluding lap for the afternoon in the Hotel Caesar d'Este's azure-watered pool. He used the breast stroke, calmly,

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methodically, and very much in the technique of a contemplative frog. Apart from Duke, his sole audience was the Meddlebird sisters (Suite 16, Akron, rubber) who were genteelly stoking up on Planter's Punches in preparation for a night, agreeable to their advancing years, on the town.

Mr. Vandernick, completing his healthful stint, stepped out of the water. He bowed, dripping, to the Meddlebird ladies, thanked them but refused to join them for a snort, and said to Duke, yes, he would like a rubdown.

He accompanied Duke to the small pavilion which served as a gymnasium suitable for modest workouts by the hotel's twilight clientele, and where Duke had his living quarters. He began to dry himself while Duke vanished inside an alcove, arranged a fresh sheet on the rubbing couch, and assembled alcohol, et cetera.

There was an interruption to the quiet scene.

Stuff came in. He apologized to Mr. Vandernick for intruding and nodded a polite greeting to Duke's inquisitive head which appeared around the alcove corner and was then withdrawn, while Mr. Vandernick arranged turkish toweling around his person and sat on a convenient stool.

"Ah, yes," he said. "You are Mr. Driscoll who has been collecting, shall we say, some official trivia. And just how may I assist?"

Stuff ignored further preliminaries. He said, "This may seem like a side issue to you, and perhaps an impertinent one. It's about that new will of Mr. d'Este's that you witnessed several months ago."

A glaze of frigidity settled on Mr. Vandernick's voice. "Impertinence would be contrary to your nature, Mr. Driscoll, as I appraise it. May I say, however, that the question does seem to be a bit out of bounds?"

"I would agree with you completely, but for the fact that Mrs. d'Este herself suggested I look into it."

"Extraordinary! But why?"

"I don't know, and she didn't explain. Can *you* tell me why?"

Mr. Vandernick skirted the matter. "It isn't," he said, "as if there were the slightest question as to the cause of J.C.'s death. Or is there? Has the autopsy been done?"

"There is," Stuff said noncommitally, "no official report as yet."

"Interesting." Mr. Vandernick looked at Stuff for a long and speculative moment. "Tell me, what bothers you about that will?"

"Principally a remark made by Mr. Jasper Crane concerning the suddenness of Mr. d'Este's decision to scrap the old will. Mr. Crane speculated that something must have 'jounced him.' As Mr. d'Este's friend and one of the witnesses to the new will, would you

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know what might have 'jounced' Mr. d'Este?"

Mr. Vandernick sighed deeply, then stepped around the question. "You did not know J.C., Mr. Driscoll."

"Only by repute."

"Then you scarcely knew him at all. I admired him greatly as a collector of precious objets d'art—my own hobby lies in a similar vein—and at times I envied him. His statuary, his paintings—the variety is endless and each specimen is a perfect example in its genre. But my point is this: he felt that such things belonged to him not so much because of the money he had paid for them but by a divine right—a render-therefore-unto-Caesar-the-things-which-are-Caesar's sort of attitude." Mr. Vandernick's smile took on a secretive Mona Lisa touch as he added, "The loss of any one of these—possessions—would have upset him profoundly."

"Are you suggesting that the sudden changing of his will was motivated by such a loss?"

"Let us rather say the possibility of such a loss."

"Would you care to be more definite?"

"Later, perhaps, but for the present, no. To do so would be in the worst possible taste."

Stuff left the pavilion with a puzzled conviction that blatancy still reigned. A child of ten could easily have deciphered Vandernick's carelessly veiled implication.

The possession that J.C. had felt the possibility of losing could only have been his wife, Serena. Otherwise, why skimp her in the new will and further hogtie her meager inheritance with the proviso that she lose even that if she were to marry again? Lose her to whom? Vandernick's smug smile and Dutch black-chestnut eyes answered that, or so Stuff felt. The phrase "and at times I envied him" returned in all its seeming innocuousness.

Stuff proceeded to stretch speculation to the limit. To get Serena, Vandernick would have had to snatch her (divorce, because of their religion, would be out of the question) or else to kill her husband. Stuff gave himself a mental kick where it would do the most good: nobody but a fool would have set himself up so patently as a suspect for the desirable elimination of J.C., and Vandernick was certainly not a fool . . . unless he felt absolutely confident that the verdict would remain one of accidental death.

Or—that no shred of evidence could exist to prove otherwise.

Stuff rarely felt comfortable with the over-obvious. Too much had been handed him on a silver platter, and contradictions abounded. What was it about the talk with Vandernick that indicated a fly in the ointment? Some word? Some gesture? Or had it been the brief

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view of the Apollo Duke's inquisitive head around the corner of the alcove?

The succeeding hour of the waning day was occupied by Stuff with a trip to Records, where he reviewed the file on the lightning-stroke death of the tourist six months ago—the death that Serena d'Este had with such deliberateness called to his attention. He compared its data with the data compiled on J.C. The similarity was apparent—there was only a superficial difference between the assistant medical examiner's report and Dr. Ainsworth's in the present case.

The internal injuries were somewhat more extreme, and the arborescent lightning mark on the tourist's back differed slightly in shape from the mark on J.C.'s body. Stuff compared the lab photographs of both, using a magnifying glass to enlarge the inspection.

Satisfied, yet profoundly disturbed, he then made two telephone calls.

Call One involved the weather bureau from which he received the information that last night's storm had broken locally over the Halcyon area between 11:30 p.m. and midnight. So much, he thought speculatively, for Duke's "growl or two of distant thunder."

The second call was to his house on one of Fort Lauderdale's pleasant canals. Regretfully, he informed his wife Vi that he would not be home for supper and that his next domestic appearance might, as the case was shaping up, be heaven-knew-what-hour of the night.

The sun, having spilled its day's quota of wealth on the Gold Coast, sank, and evening began to take over. Stuff drove through the violet twilight to the Hotel Caesar d'Este, parked, and made his way inconspicuously along a service road to the door of Duke's quarters in the gymnasium pavilion. His knock remained unanswered. He turned the knob and found the door unlocked.

Inside, in the living room, dusk barely threw the furnishings into visible relief. Duke would be, Stuff decided, having dinner either in the hotel's service section or at one of the restaurants in town. He decided, nevertheless, not to turn on the lights.

A search of the place with the aid of a pencil flashlight disclosed several objects of considerable value which would have been, in all probability, gifts from the Apollo's various benefactors. Among them was a gold cigarette box with the nauseating inscription engraved on its lid: *To a living god.* Other costly trifles included a hanging cage of gold wire intricately designed in a vine-and-leaf motif and that housed a pair of, naturally, lovebirds; a fine desk set of Tiffany Studios bronze, a stand-

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ing lamp with a magnificent crystal shaft, and—

An album.

No prima donna, Stuff decided as he leafed through the album's photograph-pasted pages, could have surpassed it for sheer conceit. But another factor became apparent. The album amounted in its pictorial fashion to a diary of the different phases in Duke's life.

More carefully, Stuff examined the shots with their explanatory written captions. There were no boyhood, no early childhood scenes—the episodes started with what Stuff guessed might have been Duke's first important fish. Bar Harbor background, a luxury estate, an aging and brittle-looking woman much in focus, jewel encrusted and with rapacious eyes.

Episode Two's collection had a Cote d'Azur backdrop, an impressive villa, an aging and brittle-looking woman much in focus (a bit more absinthe-washed than had been Number One), jewel encrusted and with rapacious eyes.

Episode Three offered a ditto, only largly posed aboard a king-size ocean-going yacht. Duke, it went without saying, was stage center in all of them.

Then a change appeared, with a considerable lessening of glitter in the backgrounds as the snapshots moved to the local ranch out on State Road 84. Duke as a cow hand, riding, roping, and Western-garbed to the teeth. No brittle, aging, jewel-bedaubed woman in these—instead, a girl, presumably the owner's daughter, healthy and robust and plain as a cloudless day. So that had been the cause of Duke's noble turnabout from the flesh pots to a stab at economic security. Marry the boss's daughter and, with patience, cop the soundly productive income-producing ranch . . . until J.C. had dangled an even more gold-drenched hunting ground.

Then came Serena.

A dozen photographs of her, evidently candid shots and taken without her knowledge. Mostly in bikini, by the pool and on the beach. They completed the balance of the album. Stuff closed it with the mental check that it might take its place among the numbered exhibits in the trial—if there ever was one.

He felt that he should leave, seek out Serena, and make a strong attempt to lead her into frankness. It seemed futile to remain here longer, to keep searching for the single piece of evidence that would clinch the case. Surely it would be gone, forever gone beneath the sea, or the waters of one of the innumerable hyacinth-crushed canals, or beneath the limitless areas of the beaches' sands.

Unless—unless it had been retained (the notion flashed with some strength) for some special future purpose . . .

The slender beam of his pencil

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flashlight rested on the lovebirds in their filigree cage of vine-and-leaf gold wire. Stuff moved toward it slowly, while his mind played speculatively on an incident in a story that had been written with consummate psychological insight by Edgar Allan Poe . . .

By eight o'clock Mr. Jedson Manly of the Halcyon Funeral Home, forcefully spurred on by Miss Lisabetta and a pleasingly outrageous fee, had managed to have Mr. Julius Caesar d'Este laid out in state at the western end of the Home's Gothic chapel. Royal purple velvet fringed with gold draped the coffin's closed lower half. A magnificent bank of lilies rose at its rear. Light from a concealed baby-spot played soft rose tones on the waxwork patrician face while muted organ notes, piped in from a hi-fi, caressed the chapel air. It was apparent that any mundane sound louder than a bare-headed whisper would have been a desecration.

Miss Lisabetta, in the Italian black of total mourning, was in accord with the shadowed room. She occupied a heavily carved dark-oak armchair that stood at some distance from the head of the bier. At the moment she sat there alone with her great dignity, with her brother's body, and her stoic containment of deep grief. Shortly there would be people, singly and in pairs, to pay their last respects and to express sympathy over her loss. A levee for the dead.

She noticed the entrance door opening and a man coming in. A stab of sudden outrage shook her as she recognized him as that sheriff's representative, Mr. Driscoll. At the least, she felt in her anger, there should be sanctuary against officialdom within the circle of the shrived.

Her sense of affront became tempered with curiosity as she watched his respectful approach, his bow as he passed and acknowledged her presence, and his completed journey to the bier. She found it bewildering when he stood at the coffin and looked down on her brother's face with a slight silent movement of his lips. Prayer?

It was not a prayer. Rather, an epitaph that had sprung unconsciously into Stuff's memory as he studied the still features of what had once been the reincarnation of Julius Caesar. One of Shakespeare's more pungent summations. Imperious Caesar dead and turned to clay, might stop a hole to keep the wind away.

He had come to the Halcyon Funeral Home to find Serena, having been told at the Caesar d'Este that she had started for the chapel. Having entered and, not finding her, he had done the only courteous thing possible when pierced by the rapier gaze of Miss Lisabetta, whose seated body resembled a

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Rodin sculpture slashed in black stone. Now he had started to leave, had bowed again in passing her, when Lisabetta's voice, still cold and metallic, checked him.

"Mr. Driscoll."

"Miss d'Este?"

"Why have you come? Never having known my brother—"

"I was told at the hotel that I would find Mrs. d'Este here. It is imperative that I see her."

Lisabetta's voice increased its coldness. "I cannot understand you, Mr. Driscoll. Not at all. Obviously you are continuing to make mysteries where no mystery exists."

"Perhaps," he said quietly, "with reason."

This brought Lisabetta up short. Anger left her eyes and they clouded perceptibly. "You are not a man," she said, "to assert such a thing without facts. Tell me, Mr. Driscoll, exactly why do you wish to see Serena?"

"I am looking for the truth."

She thought this over. Its obliqueness, its apparent obscurity did not puzzle her. Clearly she perceived the horrendous target that this man, this agent of the law, was aiming at. Her voice was a whispered hint of her thoughts. "But murder—that is impossible. No earthling could have directed the hand of God!"

"Impossible," Stuff echoed gently. "Yes, impossible—but true."

About an hour later—an hour during which Stuff had been busy with certain rapid preparations of his own—Duke Heraclon lifted a hand from the wheel of his Mercedes-Benz and looked at his watch. The watch was a wafer-thin platinum knickknack that had been gratefully strapped around his wrist several years ago at Cannes by a five-times divorcée. Her fingers, he remembered, had been fleshless spindles of jewel-weighted bone. He deciphered from the modernistic dial that the hour hovered at nine.

Having dined and taken aboard a considerable amount of alcohol at the Golden Pheasant restaurant in Miami, a good twenty-minutes drive still faced him before he would reach the Hotel Caesar d'Este. His note to Serena demanding the rendezvous had specified nine o'clock. And of course he would be late.

However, he had purposely left his door unlocked and Serena could wait inside. With assured privacy. No one would have any reason to come to his quarters. Duke's warm, full lips smiled slightly as he considered that the evening's gathering place—for friends, for guests, for the staff—would be the Halcyon Funeral Home and the old fat-head's baroque and garnished bier.

Duke's lateness for the appointment did not bother him. He had long discovered that to be late was good tactics and he had employed

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the irritating habit consistently with his former assortment of old bags. Not that he remotely placed Serena in their shroud-musty category. He considered her to be as far removed from their decrepit avidity as was the most distant star—myriad light-years apart. But a lateness for appointments lay beyond control. It had become ingrained as a habit, as natural and unavoidable as a vice.

He swerved back into the proper lane, having barely missed an oncoming car, and wondered if his fourth Old-fashioned before dinner had been one too many. He had purposely swilled a bit for the bolstering effect of Dutch courage. Because it was different this time (with Serena) from what it had ever been with the others, whom he had regarded as barely animate check books and against whose congestion of years and physical artifices he had fully conditioned himself.

But with Serena, for the first time in his carnal and mercenary life, he had really *wanted* a woman. He wanted her so badly that his blood was a black river clotting through his body and thickening his head. His incomparable arrogance and conceit insisted that she must want him, too. Who hadn't among the many he had made a play for? Ever? Who among them had been immune when targeted by his charm? None.

Duke surged on through the night, his personal power blended with the power of the car, while his excellent analytical mind (its excellence restricted sharply within the areas of his own self-interests) examined the foundations on which he had built.

The exultant assurance persisted that he could not be wrong. From the first moment of seeing her, owing to his self-acknowledged talent for being able to "size a woman up," Duke had attributed to Serena the old bromide that still waters run deep. There had been no need between them ever, he had felt, for the spoken word. Her looks had been enough—the way her eyelids would droop and she would glance at him from under them—good God, as if a man, any man, and certainly a man of his rich fund of experiences, couldn't tell!

That was all there had been during the first half of his year's employment—a waiting game, with a continuous build-up in pressure of his want of her, in conflict with the impregnable barrier of old J.C., who with pinchfist determination showed every intention of living forever.

No chink in that barrier wall.

Until six months ago a tourist had been struck by lightning and had died.

An odd scene, that had been. So diffident on its surface, and yet with what turgid rivers of emotion underneath. J.C., Serena, Duke,

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and an assistant medical examiner who had advised the rescue squad that their efforts were of no use. The tourist, irretrievably, was dead.

That was the moment when, in its seemingly innocuous way, the whole cold-blooded chain had come into being. All because of an odd remark that the assistant medical examiner, Dr. Forsythe, had tossed impersonally to the group in the living room: "Quite a murderer, a thunderstorm!" Dr. Forsythe had laughed slightly in apology at the philosophical twist of the remark. "The bolt gets away with it—scot-free. You might even label that type of killing as one of the very few so-called 'perfect' crimes."

So there it had been, Dr. Forsythe's small remark, harmless in its offhand conception—but a seed. The seed of a murder.

Duke recalled the reaction among Serena, J.C., and himself as a kind of triple play, and he remembered having dissected the thoughts that had sparked, unsaid and tinged like blood, among them. He, Duke, had looked down at the body of the tourist, at the lightning's signature on its back, not with any eyes of compassion but with the wish that there, instead of this impersonal clump of flesh, could lie the great Caesar . . . and if the proper steps could be devised, with absolute security to the hand that placed him there.

He had then sought and held Serena's eyes, noting their slight widening and the intensifying of their pupils, and had read to his own satisfaction their complete comprehension of his own train of thought and her tacit acceptance of its deadly goal. He had divined her acceptance of the role of silent partner in this birth, still nebulous, of a horrific crime.

Third in the tableau had been J.C. with his Caesar stance, quizzically observing, his eagle glance darting between Duke and Serena, thinking, sensing—what? The possibility of an affair? Not one already in effect, but perhaps in the offing? This had seemed reasonable in view, the following day, of J.C.'s signing a new will, with his offbeat remark when Vandernick and he, Duke, had witnessed the signature, to the effect that the coveted object would be stripped of any value, at least in a monetary sense.

Or had it been (Duke pondered this angle now) a prescience that the thought of murder had been in the very wind? A warning that the prize, if a killing were done to win it, would carry no cash? Such a move would have been quite in keeping, Duke believed, with J.C.'s imperialistic character—a contemptuous gesture making his wife a castoff, a thing devoid, should she betray him, of value. Oh, but how wrong J.C. had been! Duke would want Serena, he cried to himself

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grandiloquently, if she were clad in worthless rags.

The clincher to Duke of Serena's complete rapport with him, and of her cleverness in masking it, had come decisively last week when the season for violent storms rolled around. She had paused beside him at poolside after a lesson he had given her in the butterfly stroke—before a handful of hotel guests and with J.C. and Vandernick in deck chairs nearby.

She had said, "I won't be wanting any instruction during the coming week. I'm flying over to Bimini tomorrow to visit some friends."

"Think it's wise to fly?" Duke had said. "There's a stationary low pressure area that the weather bureau predicts may move in and raise hell any day now."

"I know. I've checked. There'll be nothing serious for a day or two." Serena had then glanced over at J.C. and said, "Incidentally, Duke, you'll take good care of him, won't you, while I'm gone? You know the way he reacts to storms. He practically needs a keeper." Serena had then repeated, with what an earlier generation would have clearly recognized as a Theda-Bara look, "*Good* care?"

A second near-miss of an oncoming car yanked Duke's attention sharply back to his driving and he shelved his remembrances and conjectures. The egocentric and alcohol-inflated state of his body and mind had again taken over by the time he reached home base where, in the living room of his quarters, he found Serena waiting for him.

She was seated at a table on which lay his album and she had been leafing through its pages. Lamplight softly accented every facet of her extraordinary beauty and the utter calmness of her pose. But even while drinking this perfection in, faint warning tremors were rippling the fringe of his animal instincts and hinting to Duke that something was wrong with the picture. Not something visible—something felt.

Danger.

Where?

He traversed the room with a jungle look, ferreting for menaces on the lurk. He could determine none, and once more Serena covered the canvas of his emotions with a powerful sun. He indicated the album, and said, "That stuff's done with. Dead. You've got to believe that."

Serena did not bother to close the album. There was no surface indication of the anxiety that gripped her nerves beyond a faint film of sweat across her forehead. Without the betrayal of a tremor her fingers drew a folded sheet of paper from the envelope in which Duke had enclosed his note demanding the rendezvous. Her voice was expressionless. "Why did you send me this?"

"To stop you from stirring

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things up. I know you're after an absolutely clean official verdict and it will be. I'll prove it to you. So don't you see how stupid it is, this messing, for both of us?"

"Both of us? I don't understand you. You tell me in this note that you have something to show me in connection with my husband's death. What?"

Duke's voice took on a dangerous softness. "Why must you fence with me like this, Serena?"

Her body stiffened faintly at this use of her given name. "What gives you the impression that you have the right to call me by that name?"

The blaze, the sun, still overpowered him. Her words, all but unheard, were pointless, to be brushed aside. "Because I feel you," Duke said. "Just as you feel me. Do you think I've been blind? That I couldn't tell?"

"I think you are being absurd."

His honest bewilderment at her attitude, this iceberg front, was that of a tormented bull whose adversary does not react according to familiar rules. A sudden rage washed over him. His fingers pounced and gripped her shoulders, biting deep into her flesh. "Then why did you come here? Why are you still sitting here? Why don't you yell? Why don't you beat it out of here?"

"You are bruising me. Your fingers hurt."

"And do you think *I* don't hurt?"

"Why should I think anything about you?"

"That's funny! You can believe me, *Mrs. d'Este,* that that is very, very funny and I am almost laughing!" Duke's speech, under stresses more baffling than he could understand, reverted to the stiltedness of a translation effect, a mild distortion from the Greek language of his childhood. With a blind impulse he lifted Serena bodily from the chair and his arm was a clamping vise while his mouth, as it smashed her lips back against her teeth, drew blood.

He pushed her lax body from him petulantly. "I cannot understand you. *Why* don't you scream? *Why* don't you run like hell out of here? If you don't like it?"

Duke's blood was damming to flood crest and it astonished him further when, in the most matter-of-fact manner conceivable, Serena said, "I shall stay until I find out what it is you wish to show me in connection with my husband's death."

Duke shook his head as though to clear it from unbearable pressures; but it did not clear, while the alcohol, the release of a long year's reticences, snapped the last restraint on his control. "Can't you understand that it set you free? Wasn't that what you *wanted?* Wasn't that what you were silently agreeing to over the body of that tourist six months ago—with your eyes on me like written words and

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I could read every message that was in them? Have they always lied?"

Impatience flashed as Serena said, "Stop this raving, please, and tell me *what it is you have brought me here to see.*"

"The proof!" Duke yelled it at her. "The proof of what you mean to me—of what I did for you—"

Serena's voice held an hypnotic lash as she demanded, "And just what did you do?"

"I killed J.C."

Hypnosis held as she asked, in the immense silence that had settled over the room, "How?"

The physical coordination of his magnificent body fogged as Duke moved over to the lovebirds. His fingers, however, retained a certain carefulness as they started to remove a length of twisted copper from the vine-and-leaf motif of the filigree gold-wire cage. He had almost loosed it from where it had clung to the cage's masking camouflage when a flash of pure white light shocked him into a paralysis of arrested motion.

"Was I—did I carry it off all right, Mr. Driscoll?" Serena said to Stuff.

Stuff lowered the camera from his eye. He signaled to the Halcyon police officer who, with drawn gun, stood behind him in the now opened doorway that led into the gymnasium part of the pavilion.

"You were fine, Mrs. d'Este," Stuff said, as he took the copper wire from Duke's nerveless fingers.

The case was wrapped up to the satisfaction of the state's attorney within the next few hours. Duke's signed statement and confession was effected without any prodding—a playback of the taped talk between himself and Serena (the tape recorder had been one of Stuff's "arrangements") shattered him into compliance. Later that evening, however, Stuff was to express the opinion to his wife Vi that what had probably done the shattering had been the dynamite-packed affront to his super-inflated ego that Serena had handed Duke by her cold rejection.

The mechanics of the crime were beautiful in their simplicity.

The conception: the lightning-stroke death of the tourist six months back. About this Serena, in her interview with Stuff, had said, "I saw, we all saw, a curious marking left on his back by the lightning bolt. It was somewhat in the shape of a stylized tree. Anyhow, an assistant medical examiner—not your Dr. Ainsworth, Mr. Driscoll—explained that the mark itself was a legally acceptable presumption as to the manner of death."

Duke had been present, had seen the mark, and had digested the assistant medical examiner's pronouncement. It suggested his guar-

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antee of safe conduct. Only a short while before, he had been a cow hand familiar with the usual ranch chores, among which had been branding. The mark on the tourist's back, he had decided, could have been made with a brand. A brand of that type could be shaped in thin wire, heated with a blowtorch, and seared on the back of a body dead, say, from electrical house current.

Thought followed thought, and suitable preparations were made: a length of copper wire in an arborescent lightning-mark design, a blowtorch, and a length of lamp cord skinned at one end and provided with a pronged plug at the other, long enough to reach from a wall outlet and be dropped into the water of J.C.'s bathtub.

(Toward the close of Stuff's talk with Dr. Ainsworth earlier that afternoon, when Stuff had his brainstorm and outlined his sudden theory of the case, he had asked if electrical current burns would show on the body. Dr. Ainsworth had said, not necessarily. He had cited from *Legal Medicine, Pathology and Toxicology,* by Gonzales, Vance, Helpern and Umberger, the statement that if the electrical contact is diffuse, as with a body submerged in a bathtub full of water into which a live wire has fallen, the heat production may be insufficient to produce any burns at all, despite the fatal shocking effect of the current.)

And so, with all the props at hand, only the thunderstorm was needed . . . the one that had come last night.

In uninterrupted privacy inside J.C.'s small secluded establishment were Duke and J.C., with J.C. relaxed in the soft warm water of the tub, his eyes peacefully shut.

Then the galvanic shock of the dropped live wire and death.

Drying the body, branding the back, and later carrying it out onto the beach where thunder crashed and lightning split the black foul night, had followed with ease. And with all the time in the world . . .

It was past midnight when Stuff reached home. Vi was still up, waiting for him, coffee ready; but he refused and suggested that they have gin-and-tonics instead. He felt unspeakably tired—not so much physically as in his head which was uncomfortably heavy with questions still unresolved.

"It isn't," he said to Vi when they were settled in the patio, "it isn't as though the case weren't closed. Duke Heraclon did it beyond the shadow of a doubt, and he'll get the chair—a punishment that fits the crime."

Vi realized that he wanted to talk. She could sense perplexities that were still bothering him, that would keep him sleepless until they were shared. "What is it, then?"

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"How," he asked, "can you put your finger on something that isn't?"

"You can't."

"Take this Duke Heraclon. Whatever was morally objectionable in his past life, there was nothing criminal about it—nothing that would indicate an aptitude for murder. Until he got smacked in the face with d'Este's wife, Serena."

"I rather guess she has the Cleopatra touch."

"Vi, you never saw anything like her. I never have. It's hard to describe her."

"Don't try."

"She almost literally drove him nuts. One of those things."

"Cole Porter lyric—under my skin."

"Exactly," Stuff agreed.

"A crime of passion," Vi expanded. "They're still in style. Or was there a money angle too?"

Stuff insisted there was not. He gave her a complete résumé of the case. "And he would have been safe, Vi. If it hadn't been for her."

"Tell me."

Serena had, Stuff said, almost blatantly stirred things up, hinted doubts, implied dissatisfactions. Without her proddings the case would have been clear sailing—wiped off as an accident, as an Act of God.

"*Why,* Vi? Why did she stir things up?"

"So that's what is bothering you, is it? You suspect *she* was in back of the whole thing, that she's just as guilty as he is?"

"Technically, legally, she can't be—but the idea sticks. And yet, if she is, why didn't she leave it alone?"

"Possibly because she felt completely safe so far as her own implication might be concerned. Doesn't that Bimini alibi cover her like a tent?"

"It does—so why didn't she just clam up?"

"The future, dear. Her future."

"I don't get it."

"Let me shake out my good old woman's intuition."

"Go ahead and shake."

"She simply didn't want any future trouble with Adonis Heraclon hanging over her head. Conceivably, she might be afraid that if he stayed free and loose he might find the means of blackmailing her or even decide to kill her—revenge, jealousy, spite."

"You might have something there."

"So she wants him to be taken care of by the state—permanently. Haven't I gathered that there's a new sugar plum in the offing, now that J.C. had been safely tucked away? How about that Vandernick tycoon with his lapful of ships? Why don't you just leave it at the fact that maybe you've been had—by a really clever dame."

Stuff wondered. He was always to wonder.

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DEPARTMENT OF "FIRST STORIES"

This is the 255th "first story" to be published by Ellery Queen's Mystery Magazine . . . A curious little tale, simply told but with overtones of mood and undertones of brood, and in its quietly insistent way, a blend of the old-fashioned and the new-fashioned . . .

The author is over 30, married to a criminologist (!), "possessed of and by a black Manx cat (!!) who, in a blazing display of contempt, sleeps on my typewriter." Mrs. Aarons is a graduate of Boston University, a New Yorker by birth and a Californian by choice. She is an amateur, though avid student of Egyptology (!!!), and at the time of this writing is employed as a technical writer in the aerospace industry.

Her ambition: to write in a certain particular way—but more of that, we hope, later . . .

THE SEAL OF GOD

by APRIL AARONS

I WILL NEVER COMPLETELY KNOW my Chief. But because it is part of my business to know men, I study him sometimes—when I think he is not looking.

My name is Gaffner, and I am the Chief's fourth lieutenant. I was, therefore, one of *dramatis personae* in the Episode of the Seal of God—no small case to have on one's record. But aside from that fact, I also learned something about the stuff the old man is made of.

It started one morning when I was summoned to his office. That time happened to be a busy one for all of us—but I shall tell you of that later. Let me explain first that the Chief is an old man named Konnrad, who smokes putrid black cigars that make one blink. The morning in question was no exception: the air was already blue with smoke, and the old man was angry.

Before him was a report I had already read. It was stamped *Highest Priority* in red and silver, and it was titled, *The Seal of God.* Konnrad did not ask me to sit down. Instead, he poked at the report and snapped, "You are the only dissenter!" I nodded.

It is customary for the Chief's four lieutenants to read all Highest

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Priority reports and to put written comments in the back. Konnrad then reads the reports, and our comments, and decides which department shall handle the case. This routine had already been followed on the report which my Chief held.

Still angry, he read aloud to me, "Known enemy agents have been observed loitering in the Castle of the First King, close to the Hall of the Seal of God. Such men usually are not interested in historic treasures. But the top-level conference begins this week, and it is known that our government intends to stand firm. Would it not, therefore, greatly benefit the enemy if the Seal of God were stolen?"

My Chief stopped and looked up at me.

"I know what the Seal of God means to our people," I said.

"Yet in this matter of crucial importance," Konnrad said slowly and distinctly, "which my three senior lieutenants have also checked out thoroughly, and on which they all agree, *you* dissent!"

"I must correct you, sir," I replied. "I only conjectured."

I thought the old man would have a stroke.

"Conjectured!" Konnrad pounded the desk. "Are you blind? Must I spell out everything for the lot of you? I say it is possible for this thing to be done!"

Then, looking at my face and seeing that he had created the exact impression he had wished to make, Konnrad sank back into his chair. He fumbled for another cigar and lit it carefully, and when he spoke his voice was calm. "Now tell me what you have."

I tried to keep my voice as calm as his. "On the roster of guards for the Castle of the First King there is one Mikhail, an enemy expatriate. He is a good man, and he has been here twenty years, but . . ." I did not have to finish. Both of us knew only too well how often the enemy had worked that way.

"And you believe," said Konnrad, "that this case goes the same way?"

"I would swear to it."

"Where is this man stationed?"

"In the Hall of the Papers of State."

"Ahhh."

"As you know, the hall is adjacent to the room with the clock."

"Of course." Konnrad sighed heavily. "This old guard . . . it is always so, isn't it? They have a genius for finding the weak spots." He peered up at me. "What have you in mind?"

"Workmen are remodeling the Hall of the Papers of State. If I were to go there today, I think I would find something interesting."

Konnrad's eyes glowed. "Do you know what it is?"

"No, sir."

"But you will know it when you see it."

"Yes, sir."

The old man chuckled. "Then

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go. And when you have found it, bring it here to me."

I left my Chief's office by the quiet elevator that is operated by a man wearing a gun on his hip, and I went out of our building through the little door that is the only known entrance. There are other entrances and exits, of course, but they are not marked.

We are quartered in the wing of an old estate that was once a royal residence, and we keep our cars in the old stables in the back. Everything we do is inconspicuous. If you were to ask the man on the street what our function is in the government, he would say that we are "a branch of a branch." He does not know that from our branch, so to speak, hangs the tree.

It is our responsibility to fight to the death an enemy with whom our country is not officially at war.

You have met Konnrad, that strange old man with the temper of a peasant and the cunning of a prince. Oh, yes, he well knew what he sent me out to find that morning—even better than I did. He knew also that I would know it without question when I found it.

Some say he is a soft man. Others say he is cruel. The enemy hates and fears him, and with good reason. I am sworn to die for him—yet I do not understand him.

Thus, wrapped in my thoughts, which I had had many times before, I found my car in its assigned spot that morning, and I set off for the Castle of the First King, which is on a high bluff east of the capital city. On three sides of it, jagged boulders lie in heaps on the slopes, and the way up, almost a mile of winding, circling road, is cut into the bluff itself. The castle is very old—it is said many of its secret rooms and passages have never been found—and now it is a national museum, not a fortress.

Behind it lie the purple hills that form one of the borders of our country.

And behind those hills sits the enemy, implacable, ruthless, never relaxing his grip.

I do not have to refer you to the newspapers. You know well enough that the enemy has eaten up his neighbors, and that he wishes to eat us next. But you do not know that the battle is already joined, and that we pay for our freedom in blood.

The morning that I speak of was the day before the start of the top-level conference with the enemy. He had taken to rattling his sword and he was demanding certain trumped-up reparations. At the same time he was causing terror in a thousand ways. We—"in the branch of the branch"—had our hands full. Our city, which usually smiles, was frightened. As I drove through the streets I could smell the fear. I knew that the way to the Castle of the First King would be crowded. When there is trouble, my

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people go there: they believe that the Seal of God keeps our country safe.

I parked well away from the old road that runs up the bluff. From the back seat of the car I took a shabby raincoat and slipped it on. I took off my tie and rumpled the collar of my shirt. It was then but a moment's work to take a small kit from the glove compartment. Inside was a little jar containing a purplish kind of paste, which we have found useful for giving a weathered look to the face. Presently, with my face sufficiently darkened, and with an old pair of string-wrapped glasses on my nose, I set out to walk the rest of the way.

On reaching the top of the bluff I entered the outer courtyard of the castle and saw that the stands with sweet cakes and cold drinks were doing a brisk business. The red rambler roses were out along the stone walls, and children and old women sat and twittered on wooden benches and enjoyed the fragrance. In the inner courtyard the black granite statue of the First King brooded down on the crowds. I noticed that many people touched the stone base of the statue in passing.

Inside the castle there was turmoil. The great entrance hall was packed, and the guards were herding people into long lines. They chanted: "Line up, please, to see the Seal of God! Line up, please!"

I loitered near a little booth that sells pamphlets and postcards and miniature souvenirs of the Seal of God. When the crowd had thinned somewhat, I bought one of the pamphlets. I pretended to peer at it near-sightedly.

Haltingly, like an unlettered countryman, I read aloud, "In the year 1207, the First King of our beloved country faced a powerful enemy, whom he despaired of defeating. The First King went alone to a mountain and prayed to God for a victory; and God, passing, heard him, and left a sign that he would protect the First King and his people—a great golden wafer set with precious stones."

Out of the corner of my eye I saw that a guard standing near the little booth was watching me intently. I read on.

"The First King went down from the mountain and showed his warriors the glittering disk, nearly a cubit wide, which he had strapped to his shield. Heartened, his warriors went into battle and defeated the enemy, and, with that battle, our beloved country was born."

I stopped reading and said loudly to the guard, "And lives forever, eh, friend?"

"Yes, sir," he said politely.

I moved away slowly. I gawked at everything: jewels, banners, knights in armor, tapestries, all the treasures of our truly beloved country.

Above me I heard the great clock

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of the castle sound the noon hour. I was then but a few yards from the entrance to the Hall of the Papers of State. As the clock finished striking, workmen in paint-stained coveralls poured through the doorway. When the last of them had gone, I slipped into the empty chamber. Behind me I heard the great door quietly swing shut.

The old chamber was all in confusion—everywhere were heavy canvas drop cloths and buckets of paint. Although the windows were wide open, the workmen had left behind them the sharp odor of their trade. Against one wall a tall ladder was leaning: someone had been patching holes in the mortar around the windows.

For the moment I ignored the paraphernalia. I crossed instead to a small door set in the farthest wall and I slipped a key into its lock. On the other side of the threshold was the little chamber from which ran the controls for floodlights, the display cases, the gates—and for the small metal box which housed the clock that guards the Seal of God.

Make no mistake about it, my friend, the Seal of God is enormously valuable. It is of the purest gold, and the cross in the center is formed of hundreds of priceless stones. Some years ago my government went to great expense to build a lead-lined steel vault under the floor of the Hall of the Seal of God. Into that vault the precious seal is retired each night. A stone rumbles across the opening, and a mechanism, controlled by the clock in the little chamber in which I stood, ticks off the moments until morning. It is a foolproof mechanism. No part of the clock can be tampered with—even the merest touch would sound off an alarm that would be heard throughout the capital city.

I made sure the clock was running smoothly, then went back to the Hall of the Papers of State.

I traversed the room slowly. The smell of paint was stifling—not even the mountain breeze coming through the open windows could dispel it. I poked among pots of paint and the stiffening brushes. I pushed aside drop cloths and peered under newly varnished cabinets. But I saw nothing.

Finally there was only one pile of drop cloths left—off in a corner, sticky, spattered, fit only for burning. I moved rapidly; the painters would soon be returning to their work. I poked into the pile with a stick and met only cloth—except in one place. The stick had hit something solid.

I pulled away the heavy canvas and saw a bundle about twelve inches long, wrapped in rags. Unwrapped, the bundle became a dull-metal cylinder, at one end of which were a nozzle and a small red switch. From my pocket I took a book of matches. I flicked the red switch and held a lighted match

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momentarily to the nozzle. A jet of white-hot flame spurted silently from the end of the cylinder.

I had found it.

I looked to the open windows. From the casements the castle walls dropped to jagged rocks far below, and I could see only distant purple hills from where I stood. He who would come for the cylinder would have to find another way in. That was obviously the reason for the contact with Mikhail, the old guard. Poor fool, I thought.

But I had no time for other thoughts then. I had only a few moments left.

The cylinder fitted easily into a deep pocket in my shabby raincoat. I pocketed it and strolled casually from the Hall of the Papers of State and once more into the courtyard of the Castle of the First King. I returned to my car and drove quickly across the city.

Konnrad was waiting for me. He waved me to a chair while he examined the cylinder meticulously. Finally he grunted, "So that is how it was to be done."

"I had the old guard interrogated," he said. His voice rasped like sandpaper against wood. "He has a daughter and three small grandchildren in the old country. They are the hostages. To save their lives he gave up his keys to the Hall of the Papers of State and revealed an old passage into the castle that no one else remembers."

"So." I dismissed old Mikhail with a shrug. I wanted only to catch the man who would look vainly for the cylinder.

Konnrad struck the desk top with his fist. "I will not have it!" He glowered at me. "See that Mikhail gets out of the country tonight! Get him papers under an assumed name; give him some money; and send him away to our friends!"

"But what good will that . . ."

"Obey me!"

I retired prudently. I did as I was told. I did not understand the old man at all. Sometimes I thought his mind was wandering.

Late that night, about midnight, I was again in my Chief's office.

Konnrad had already set things in motion. He had placed a watch in the Hall of the Papers of State after the Castle of the First King was closed for the night. He proposed to go there himself, I knew, but still he sat at the big desk, scribbling his signature across the bottom of dozens of documents. There were four black cigar stubs in his ashtray before my Chief finally rose, stretched, and looked at me.

"Come," he said.

I noticed a bulge under the arm of his dark jacket. I had never known Konnrad to wear a gun before.

We went down to his waiting car and were chauffeured across the darkened city. Above us appeared the glimmering lights on the walls of the castle. We were once more at

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the foot of the road that led up to the bluff. Konrad had his chauffeur stop the car. When he stepped out, I saw the driver hand him a gray bundle of the same drab color as the uniforms worn by the castle guards. . . .

When we reached the top we were admitted to the castle by shadows that quickly slipped away. In the Hall of the Papers of State, Konnrad dismissed our waiting men with a gruff "Leave us." He and I were alone in the blackness.

The hours passed. Konnrad said nothing. The workmen had left the old windows open, but still the smell of paint was heavy. In the east the sky began to lighten and I could see the outline of my Chief against the gray light from the windows.

Finally, slowly, the great carved door of the Hall of the Papers of State began to swing open. Just a crack at first; then wider. A figure slipped into the room.

I heard a small sighing ping. The figure slumped to the floor.

Konnrad had shot the man down without the slightest compunction.

By then it was almost light. My Chief turned to me and said impatiently, "Hurry!" Now the mystery of the bundle he had brought with him became clear. Unrolled, it was a castle guard's jacket and trousers and cap.

Muttering angrily, Konnrad pressed me into service to pull the outfit over the workman's clothes which the secret agent wore. Then, with my help, he dragged the enemy agent to an open window and calmly pushed the dead man out.

In a few moments I stared at the doll-like figure sprawled on the rocks below. From upland meadows came the scent of mountain flowers, and I almost felt sorry for the man. Then I remembered what he had come to do and I no longer pitied him. Even as I watched, other figures, dressed in the uniforms of our police, appeared far below and scampered toward the body. I heard Konnrad make a satisfied noise.

"He will do as the victim of all this," he said.

Where was my Chief's conscienscience? I thought. After all, he had shot the man in the back.

"He will be buried as Mikhail. Old, despondent, frightened Mikhail." Konnrad gestured at the scene below. "Our men will see to it that no one gets near the body."

I turned away. Konnrad's heavy footsteps sounded behind me.

"And yet . . ." I said. I stopped.

Konnrad drew abreast of me and peered into my face. "How like you," he said after a moment. He smiled grimly. "Come with me."

Now it was he who strode ahead. He led me down echoing stone corridors, past sleepy guards who saluted hurriedly as we passed. Before the doors of the Hall of the Seal of God he halted.

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"Listen," Konnrad said to me.

Above my head I heard a rumbling. The heavy doors began to move. Through them I could see that the hall was flooded with morning sunlight. The rays of the sun danced through huge stained-glass windows and played on a shining, empty glass dome in the center of the hall.

I heard a stone begin to move and as I watched, a pillow of black velvet rose slowly from beneath the floor. On the pillow sat the Seal of God—a great glowing disk of gold. In the center gleamed the cross of a myriad jewels, blood-red, spring-time-lilac, forest-green. The sunlight caught the cross and a rainbow shimmered before me.

Behind me Konnrad spoke. "What is the Seal of God?"

My eyes were fixed on it as I answered, "It is beauty. It is honor. It is our country." I swung to face Konnrad. "It is compassion."

My Chief's eyes were glowing. "Think," he said. "How else was I to prevent the murder of Mikhail's daughter and grandchildren?"

I shook my head. "But can you be sure?"

My Chief smiled, but the smile was sad. "Can one ever be sure of anything?" His face looked lined and tired, and the glow was fading from his eyes. But he hid his thoughts and he said instead, "You did well, Gaffner. You saw the weak point in our security."

I shrugged. "It would have been a fool's scheme—to try to steal the Seal of God. It can't be stolen—therefore, the enemy had to find another way. But if, on the crucial morning—the day the top-level conference was to begin—the Seal of God were to vanish . . . *seem* to vanish—"

Konnrad nodded. "Of course. On the night before the conference, burn through the wires that lead from the clock to the mechanism that controls the steel vault, and on the morning of the conference the Seal of God is held beneath the floor of the hall. Not stolen—but invisible."

Both of us turned to stare at the great golden disk. It glowed reassuringly at us.

"Ironical, isn't it?" Konnrad said softly. "It would have taken a long time to repair the damage, and in these days of confusion and doubt no one would have believed that the Seal of God was still safe inside the vault. Why was it not on view when it was so urgently needed for morale? Who would believe the government? . . . In the uncertainty the conference would surely have gone the enemy's way."

He walked away then, and I followed quietly. The enemy had been thwarted and the Seal of God would blaze majestically for all our people to see. Our people would not lose their nerve, they would stand firm.

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DEPARTMENT OF "FIRST STORIES"

This is the 256th "first story" to be published by Ellery Queen's Mystery Magazine . . . Writing a fully developed detective-crime story in approximately 650 words is no easy task—even for a professional; Mr. Gaudel's "first story" is a very creditable performance.

About the author: he was 56 "years of old age" at the time he wrote his "first story," and "retired after 35 years of service with a local company." (Yes, writing can be an important part of gerontology.) His previous creative work consisted of "some verses in a vanity publication," a few puzzles, and, the author added, "I am the proud creator of a new type of puzzle, 'Name Chains,' which is about to sweep the country—if it ever gets published." His only claim to literary renown (still quoting the author) is that Robert Heinlein was best man at the wedding of Mr. Gaudel's sister, and "I once shook hands with Vachel Lindsay." (We liked that last comment—it is a moving recollection.)

FOGGY, FOGGY NIGHT

by VERN GAUDEL

THE PROFESSOR SAUNTERED SLOWly down the street. A kind of haze seemed to hang over everything. It was going to be a foggy night. A perfect night for a murder, he said to himself, and smiled sardonically.

He went over it all again, step by step, detail by detail. There must be no mistake. All this nonsense about "absent-minded professors," he thought. Professors might sometimes be forgetful about things like umbrellas and grocery lists and letters to be mailed, but when it came to really important things professors could remember if they had to—and he had to.

The fingerprints: yes, the fingerprints were all set. They would be found exactly where they might be expected, and not where they would not be expected.

The newspaper with the shocking headline, thrown angrily on the floor: this, they would say, was the last straw.

The wine glass on the end table: only one wine glass—the other carefully washed, dried, put away. Exactly in the right place.

The drawer from which the pistol

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had been taken. He had debated this point a little. Would a man who was about to commit suicide have closed the drawer after getting the gun? Even a man of the most methodical habits? Probably not. So the Professor had left the drawer partly open. "I suppose it doesn't really matter," he thought aloud, "but I must be careful of everything —every detail."

The shot had been precisely timed to coincide with the passage of the train which roared by the rear of the house every night at 10:12. No one could have heard the shot—he had hardly heard it himself.

The angle of the shot was absolutely right. The gun had been carefully fingerprinted with the victim's prints in exactly the right places. He had not made any stupid mistakes about the man's right- or left-handedness.

Yes, he was certain—certain of every detail. No one had seen him go in. No one had seen him leave. Everything was perfect.

The Professor strolled on. He had resisted the temptation to provide himself with a perfect alibi. It had been a temptation. But why should he have an alibi? Everyone knew he went for long walks, especially on foggy, hazy, even rainy nights. It was considered a part of his professorial oddness. So that was where he had been all evening —out wandering the streets, paying no attention to where he was, or what time it was, or who may have passed him on the way.

Yes, it was all as perfect as he could make it—as anyone could make it. The perfect crime . . . so the Professor finally went home, and slept peacefully the rest of the night . . .

When the two detectives came pounding on his door early the next morning, the Professor quickly reassured himself. It's just routine, he thought; they always check on close friends.

He didn't know the two detectives. But one of them apparently knew him. He seemed unnecessarily brusque. Probably up all night, the Professor thought, and understandably irritable.

"Professor," he said, "were you at Dean Warren's house at any time last night?"

"Why, no," said the Professor calmly, "I wasn't. I had a problem to work out, and afterwards I went for a walk in the fog—but I don't think I went anywhere near Dean Warren's house. Why do you ask?"

"You worked out *our* problem very well, Professor," said the detective. "But you overlooked one factor."

And then the Professor saw what the detective was holding out to him.

The Professor had left his new eyeglasses on the scene of the crime!

Without his eyeglasses, no wonder it had been, for the Professor, a foggy, foggy night!

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first publication in the U. S.

EDITORS' FILE CARD

AUTHOR: **JULIAN SYMONS**

TITLE: ***As If By Magic***

TYPE: Detective Story

DETECTIVE: Francis Quarles

LOCALE: On Brightsand Pier, England

TIME: The Present

COMMENTS: *The murder occurred in broad daylight on a crowded Amusement Pier. It took place in the presence of hundreds of joyful vacationers. Yet the murderer vanished—poof!—like a puff of smoke . . .*

THEY SAY THAT A MURDER IS MOST easily committed in a crowd, and that was the way it almost proved, for there was a big enough crowd that Bank Holiday Monday at the end of Brightsand Pier.

On the windy side of the pier people streamed into the Amusement Arcade to play on the Kentucky Derby or the Great Brooklands Speedway, to see What the Butler Saw, or to lose pennies on little machines. The Punch and Judy stand was silent. The Brightsand Concert Party had given their afternoon performance and gone home.

In the onion-domed tea pavilion in the middle of the pier worn-out parents refreshed themselves with nice cups of tea while their clamorous children ate rich fruit cake and ice cream. On the sheltered side of the pier people sat in deckchairs sunning themselves, sleeping with newspapers over their faces, or looking out at the toy-like boats on the sea.

It was in this cheerful, busy, unobservant Bank Holiday crowd that the murderer saw his chance. His name doesn't matter—he was an inoffensive-looking supremely ordinary little man. His victim, whose

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name is also unimportant, was a dark bulky man sleeping in one of the deckchairs, with his feet on the railing. The deckchairs on both sides of the bulky man were vacant.

The inoffensive-looking little man stood over the deckchair, like a man greeting a friend. He pulled a heavy clasp knife from his belt and stabbed downward, once twice, three times. The bulky man gave a kind of grunt.

The little man then flung away the knife, now gleaming red. It curved in a wide parabola into the blue sea.

The little man then walked quickly but calmly away. The murder did not take more than thirty seconds.

This was, as afterward appeared, a quite unpremeditated crime. The murderer simply saw his enemy, his back to him, at his mercy, remembered his clasp knife, and acted almost without thought. The motive? It proved to be grinding, agonizing jealousy. The bulky man had taken away the little man's wife and was living with her. The motive and background of the crime were discovered in the succeeding day and weeks by the slow machinery of the law. What happened on the day of the crime was quicker.

The murder had been seen. Miss Slater, a capable middle-aged schoolmistress down on a day trip to Brightsand, actually saw the knife rise and fall. She saw a vivid spurt of red splash onto a brown jacket. For a few moments her mind refused to take in what her senses had recorded. Then she pointed, and she screamed . . .

At once the scene was changed to one of frantic, slightly purposeless action. People in deckchairs stood up, fishermen abandoned their lines, one of the waitresses ran out of the tea pavilion. There were confused questions and answers.

"It's a thief . . . lady's fainted . . . running this way . . . a little man, she said . . . a boy's fallen in . . . no, somebody's been murdered."

The confusion lasted only a couple of minutes. Then the body was discovered and two plain-clothes policemen stationed on the pier to watch for pickpockets had cordoned off the top end of the pier and begun investigations.

But in that short time the little man with the bloodstain on his brown jacket had vanished—vanished completely, as if by magic . . .

Francis Quarles had been on the pier for half an hour before the murder, acting as companion to his small nephew, Roger. They had been on the Dodgem Cars, played Skeeball, and spent several shillings in the Amusement Arcade.

Roger had eaten an extraordinary amount of ice cream and candy floss, and had watched the Punch and Judy show, which he

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characterized as smashing, though really for kids. With some interest Quarles saw the cordoning off at the end of the pier, and the arrival of the local Inspector Garrity. He accepted with pleasure the Inspector's suggestion that he might like to see what went on.

Miss Slater's evidence was simple. Yes, she had seen the murderer, but she had not seen his face. He had been standing over the deckchair. She was quite sure she had seen the blood spurt on to the right sleeve of his jacket.

The murderer, said Miss Slater, had been wearing gray flannel trousers, he was of less than medium height, and she thought he had brown hair. He had walked away from her, toward the entrance to the tea pavilion.

She repeated this evidence again and again, and could not be shaken from it.

Had he gone into the tea pavilion? No, said the waitress who had been standing at the door and had then run out—quite positively he had not. Nobody had come in just before or after she heard the scream.

Had he entered the Amusement Arcade next door? The attendant said no. The changing-room behind the concert party stage was locked and padlocked. The Punch and Judy man, who was still in his box, had seen no little man in a bloodstained brown jacket hurry past.

Had he got off the pier, then? The two plain-clothes men, who had been stationed at the point where the bulbous end of the pier narrowed into an ordinary promenade, swore positively that no such little man had passed them just before or after Miss Slater's scream. And Quarles, who had been standing near them, was ready to swear it too.

The police proceeded methodically. Either the murderer had changed his jacket—which meant that he must have had a spare jacket and a place to change in without being noticed—or he had got rid of the jacket in some way. Or he was still wearing it.

You couldn't evade these three all-inclusive conclusions. But somehow the murderer did evade them.

There were more than three hundred people at the end of the pier, less than half of them men. Only six of these were jacketless, for there was a nip in the air, and these six were vouched for by friends or relatives. There were a good many brown jackets, but not a single one with blood on.

For good measure Inspector Garrity checked the people in the tea pavilion and in the Amusement Arcade. At the end of an hour he had got precisely nowhere, and the people who had been kept at the end of the pier were extremely restive.

"It's no use," the Inspector said. "The man had no place to hide, no

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place where he might have changed his coat. He must have passed you somehow, and he's now off the pier."

"On the contrary," Quarles said. "The murderer was the only person on this part of the pier who had a hiding place, and a good reason for being in it. He walked quickly round to his hiding place, entered it, changed into an old jacket, and put his bloodstained jacket into the case in which he carries his professional paraphernalia."

Quarles put his hand upon the shoulder of the inoffensive-looking little man who ran the Punch and Judy show. "What better hiding place and changing-room could you want than the inside of a Punch and Judy box?"

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. . . as it appeared in the first MYSTERY WRITERS' ANNUAL, *issued in celebration of the 122nd birthday of the detective story and the 18th anniversary of MWA and the 17th annual Edgar Allan Poe Awards Dinner, Hotel Astor, New York City, April 19, 1963 . . . suggested subtitle: "How To Exceed in Bloodiness Without Really Dying."*

PROSE AND AUNTIE

by RICHARD M. GORDON

Dear Nephew,
When you write of crime,
Don't shock your readers all the time,
But treat your story with finesse—
Don't slug 'em with it; let 'em guess.
Avoid the pitfalls of Spillane,
And give your private-eye a brain;
The bourbon-broads-and-beatings hacks
Aren't selling many paperbacks.
Mere glands and muscles aren't enough
To help your plot when things get rough;
It's logic, humor, style, and wit
That make a mystery book a hit.
The founding fathers, Doyle and Poe,
Have pointed out the way to go,
And Edgars come to those who toil
Along the lines of Poe and Doyle.
The modern masters, Carr and Queen
And Christie, never are obscene
But sell at least as well as those
Who write the sex-and-sadist prose.
It's not that I object to blood—
A shot—a slash—a scream—a thud;
But please remember, if you can, sir,
That crime's the problem, not the answer.
So kill your victims, neat or gory,
(You need to in a murder story.)
But take it easy when you slay 'em.
With best regards,
(signed) Auntie Mayhem

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BEST MYSTERIES OF THE MONTH

recommended by ANTHONY BOUCHER

For that rarest of criminal treasures, a full-scale parody (and a fine one), see ALLIGATOR, "by I*n Fl*m*ng" (Vanitas V4402, 50¢). Written by Michael K. Frith and Christopher B. Cerf of the Harvard *Lampoon*, this novella-length jape is at once hilarious and so accurate as to achieve better Bondage than some of Fleming's own. (If newsstands fail, order—adding 10¢ for postage—from Vanitas, Lampy's Castle, 44 Bow St., Cambridge 38, Mass.)

★★★★ **THE MONTH OF FALLING LEAVES, *by Bruce Marshall*** (Doubleday, $3.50)
Delightful spy-thriller of contemporary Poland, executed with wit and insight and featuring the season's most lovable heroine.

★★★ **THE COLLECTOR, *by John Fowles*** (Little, Brown, $4.95)
Unique tale of abduction and aberration, biting and powerful. Potentially a five-star short novel, watered down to three by pointless recapitulation, but still remarkable.

★★★ **THE WEIRD WORLD OF WES BEATTIE, *by John Norman* Harris** (Harper & Row, $3.95)
Novice lawyer checks out a paranoid's "persecution plot," with startling results. Best Canadian whodunit in almost 20 years.

★★★ **THE DROWNER, *by John D. MacDonald*** (Gold Medal k1302, 40¢)
MacDonald, who does everything well, turns this time to the private-detective story, and creates 1963's most memorable murderer.

★★★ **GRIEVE FOR THE PAST, *by Stanton Forbes*** (Crime Club, $3.50)
Murder and detection serve as puberty rite to bring young girl to maturity, against lovingly remembered background of Kansas in early 1930's.

Agatha Christie Dept.: Dell offers (40¢ each) three of the Mistress's best books of short stories: PARTNERS IN CRIME (1929; 6848), THE TUESDAY CLUB MURDERS (1933; 9136) and THE WITNESS FOR THE PROSECUTION (1948; 9619), plus two long cases for Hercule Poirot: APPOINTMENT WITH DEATH (1938; 0246) and SAD CYPRESS (1940; 7552). One of Poirot's longest and best is DEATH ON THE NILE (1938; Bantam F2503, 50¢).

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magic names, magic titles, magic stories . . .

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This story was called to our attention by Father John L. Reedy, C.S.C., editor and publisher of "Ave Maria," the national Catholic weekly at Notre Dame, Indiana. The story itself was written by Father Charles E. Sheedy, C.S.C., who is dean of the College of Arts and Letters at the University of Notre Dame. Now, we'll wager that you will find "The Leisure of the Theory Class" a most unusual story to have been written by the person who wrote it and published by the person who first published it, in the February 17, 1962 issue of "Ave Maria"—so unusual that we are enormously heartened by the writing and publishing background of this story. Surely (or so it seems to us) it is an encouraging sign—of broad-mindedness, of so many things!—on this confused and frightened planet we call home . . .

THE LEISURE OF THE THEORY CLASS

by *REV. CHARLES E. SHEEDY, C.S.C.*

AT 5:30 ON A WARM OCTOBER AFTERnoon John Bresnan stopped raking leaves in his back yard, left his rake on the back porch, and entered the kitchen where his wife had just appeared. He kissed her and said, "The faculty meeting ended at four o'clock. And you know it was on the same old thing—plenty of grants for math and physics. Why don't we get some in languages and stuff like that?"

Bresnan taught Spanish at Central State University at the rank of associate professor, with tenure.

His wife said, "Why do you have three beat-up old pairs of jeans to work in the yard with, and three old sweat shirts, too big for you, instead of one of each?" And he answered, "Because of a quirk you possibly have never known about me, and also because this thing may possibly pay off."

He then left the kitchen, showered, changed, and, coming downstairs, sat in a living-room chair and opened the evening paper.

But Bresnan did not read the paper—he just held it in his hands and began, as he had done so often these past weeks, to reflect on his "big idea." The simple fact was that Bresnan during these weeks had just about come to the firm decision to open a side career for himself.

Bresnan was an advocate of individual, as opposed to social, justice.

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If the whole academic profession was getting rooked, John Bresnan did not really care—but he did care that the modern languages were, and that he in particular was being short-changed. Also, he had a romantic and venturesome streak in him which he had concealed from everybody.

Bresnan was an amateur of the Old West, especially of the crime and the gun slinging. He had gone far beyond the paperbacks and Westerns and had entered the world of factbooks, memoirs of old tobacco-stained gun hands and trail bosses, and histories of forgotten towns. He read all the books published by the Oklahoma University Press. Bresnan deprecated the fact that crime had either deteriorated into a business or had become a phase of the growing up of dim-witted children.

In particular, he lamented the passing from the scene of the crime of train robbery. Bank robbery still remained, in tarnished continuity with the tradition. But train robbery stirred the blood: the sudden appearance of the masked road agent, the quick, cool commands, the sudden stop, the emptying of pockets, the courtesy to women, the dramatic disappearance—if the Fourth of July had declined in American observance, the downfall of train robbery was to Bresnan at least as regrettable.

And besides, John Bresnan thought that the United States owed him, not a financial killing, but a decent cushion above his present salary. In short, he began to ponder the idea; he began to think he could get away with it, and he fixed on train robbery as an interesting and thoroughly American way of making his income more respectable, in the absence of those erratic, capricious, and—for Spanish—nonexistent foundation grants.

Everything about Bresnan tied into the plan: his theory of justice, his romanticism and venturesomeness, his affection for the Old West. Even the fact that his blue jeans and sweat shirt were too big for him—even *that* tied in.

The plan was to time his exploits in conjunction with his attendance at academic meetings off the campus. He generally went to three a year: the Modern Languages Association, the College Spanish Association, and the Association of American Colleges' annual conventions. He always drove to these conventions by car, and he would continue to do so; but the train could be fitted in very nicely.

The single attractive feature of academic meetings is that the departmental budgets generally cover the expenses. Aside from that, and more important for Bresnan's purpose, the wonderful thing about the meetings is that you can be "there," registered and participating—but at the same time nobody knows where you are at any given moment. Conventions, which are seri-

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ous business for most delegates, regrettably provide the best cover for occasionally errant academicians. Milling about is the key. You may think you have seen everybody and everybody has seen you. But you have not and they have not.

The fact is that you are a will-o'-the-wisp at the convention. And—oh, wonderful!—once seen, once even glimpsed, the thought registers in the minds of your friends that you have done your duty right through, at least as faithfully as they have done theirs.

John Bresnan knew this whole picture intimately, and that is why he decided to use the meetings as a springboard to—not wealth, but an improved and decent recompense. The three meetings were to take place within the next six months, and he would have a crack at all three of them.

He decided to have a dry run, and one Friday in the fall he drove to Chicago, rigging an excuse that satisfied his wife. The dry run involved nothing more than taking a train ride out of Chicago and coming back in a bus. Which direction did not make any difference, and in fact Bresnan took the Illinois Central toward St. Louis.

He was back in Chicago in two hours. The dry run was a question of timing only—no equipment, no action. It turned out to be all he could have desired.

The day came in early December for his departure to attend the convention of the College Spanish Association, which was to be held that year in Milwaukee. He left his home early in the morning, after drinking two cups of instant coffee, postponing breakfast till somewhere along the road. His wife did not get up to see him off. With him, this time, he carried, along with the usual Gladstone bag, a little duffel bag of the kind you see in airports, generally stenciled with the name of some airline; but this little duffel bag was unmarked.

In Milwaukee, Bresnan was gratified to see everything as before, just as he had expected. He checked into the hotel, registered as a participant, attached a badge to his lapel, dropped off his bags in his room, and, returning to the lobby, milled around with everybody else, trying in an unostentatious manner to see and be seen by as many people as possible. He ate his lunch in the hotel coffee shop at a table with five other professors, all of whom he knew except one, and of course he was introduced to him.

After lunch he returned to his room, chatting along the way, put on his hat and coat, and took a cab to the railroad station. He bought a ticket to Chicago and carefully synchronized his watch with the station clock. The train was supposed to leave at 1:30 p.m., and it was essential that it leave precisely on time.

It did, in fact, leave on time, and John Bresnan took a seat in a day

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coach and began reading *John Wesley Hardin, Man and Myth,* Norman (Oklahoma University Press), 1961.

The "big idea" was under way.

All railroad trains in America move rapidly from city terminals through residential suburbs and shabby outskirts into rural countryside. Southbound, between Milwaukee and Chicago, it takes only 45 to 50 minutes to cover the entire route.

John Bresnan read only a few pages of the Hardin book, then put it on the seat and walked to the bar car, the last car in the train. He had decided to hit the bar car only—fewer people, very likely, but usually more money.

Bresnan ordered a bottle of beer and allowed his eyes to flick toward the emergency brake pull, inconspicuous at the very front of the car, with its nine-inch length of green cord and wooden knob at the end. This little cord was an essential link in the chain, and a weak link, really. Once Bresnan had been riding on a train when somebody pulled the cord, and the jolting speed of the stop had amazed him. He knew it worked automatically and put on the brakes fast, but that was all he knew about it. On the dry run out of Chicago several weeks before, Bresnan had not dared to pull the cord; he had decided to estimate that the train would take 90 seconds to stop, and now he felt that he was stuck with that. If it went wrong, the whole project was endangered.

He paid the check and went back to his car. From then on, anyone watching him would have seen him making careful check between wrist watch and countryside out the window. But no one paid the slightest attention to him.

He was looking for precisely the right combination of things outside. He had not sat ten minutes longer until he got it, just what he needed. He made a careful check of his watch—it was precisely 2:25. He noted back to an earlier check, exactly six minutes before, and memorized these moments.

He then read *Hardin* all the way to Chicago and took the next train back to Milwaukee. Bresnan left a call for 6:30 a.m. and went to bed at 10 o'clock.

The next morning he breakfasted alone; there were a few other early risers in the coffee shop, but he did not join them. He left the hotel after breakfast, taking with him his Gladstone bag, fully packed, but leaving the little duffel bag behind in his room. This was the second day of the convention—it was scheduled for three days—but it was the last for him; this was the end of it.

He took his car out of the lot where he had left it the day before, stowed the Gladstone in the trunk, and drove off on Route 41 southward toward Chicago. Route 41 did not run exactly alongside the

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railroad, and so when Bresnan thought he was getting near the place, he turned off 41, eastward, to find the road he had seen from the train. And in no time he found it.

This was the place: the concrete road running alongside the tracks, the broad field with the crazy-shaped tree in the corner, then a little farther (it was exactly six minutes by train, he knew) and there it was, the gravel country road off to the right of the tracks, heading west, sequestered by trees, nothing around it—the only place where he could leave the car.

Bresnan turned his car off onto the country road, parked among the trees, and then walked three miles to Route 41 to catch a bus back to Milwaukee.

After lunch Bresnan returned to his room, lifted the little duffel bag from the luggage rack, set it down beside him on the bed, and ruffled its contents with his hand. The bag contained an old pair of blue jeans, an old sweat shirt, a beat-up felt hat, a blue bandanna handkerchief, and a revolver, which for no good reason he had been keeping for many years in a drawer underneath his shirts.

The revolver was not loaded. He might be a criminal, but really only a quasi-criminal; he had never intended to back up his criminality with violence. However, hefting the revolver in his hand, the thought struck him—really for the first time—of what might happen, up to and including the most awful thing that might happen. Some off-duty policeman going to Chicago, in plainclothes, but carrying his gun in his side pocket (Bresnan understood they always did this, off duty or not)—this was the worst possible bad break.

Bresnan got off the bed, sat down at the little desk, and quickly wrote the following note on hotel stationery:

"I did not intend to harm anyone. Please note that the gun is not loaded. This has never been anything else but a peculiar idea on my part, plus other factors, though I always intended to keep the money. Anybody who wanted to could have refused, and I would have simply passed on, though of course the people could not have had any way of knowing that."

He folded the note, sealed it in an envelope, and put the envelope in his inside coat pocket. Bresnan then closed the zipper on the duffel bag, put on his coat and hat, paid his bill in the lobby and checked out. At no time in all of his comings and goings had any confrere noticed his erratic behavior and nonparticipation.

Bresnan boarded the 1:30 train for Chicago after again checking his watch against the station clock. Again, as on the day before, the train left precisely on time.

Sitting in his coach seat, and just pretending to read *John Wesley*

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Hardin, Man and Myth, Bresnan reflected that from here on the business had to work with mechanical precision—or not at all. He had until 2:19; he would allow himself just four minutes and thirty seconds in the bar car. This would take him, with the stop, to the place where the car was parked—he hoped.

He stayed in his seat until 2:10, then got up, and, with duffel bag, coat, and hat, went to the rear of the train, toward the bar car.

He stopped one car short and entered the Men's Room. He locked the door of the little cubicle, quickly pulled up the blue jeans over his trousers, put the sweat shirt over his suit coat, and adjusted the blue bandanna handkerchief over his nose and just below the eyes, knotting it securely at the back of the neck. He looked in the mirror to make sure that the handkerchief covered his collar and tie. He put on the old felt hat, low over the eyes.

He was completely changed. He put his topcoat into the duffel bag, carefully rolled up his good hat and put that in, too. It was a type of hat that would keep its shape even after rolling. *Hardin* also went into the bag.

He was only one platform away from the car he wanted. With luck no one would see him slip out. He looked through the window for the six-minute spot, the broad field with the one tree in the corner—there it was—and the train rushed by.

Bresnan slipped out of the Men's Room and no one noticed him. He walked across the platform between the cars, pushed open the bar-car door, and entered.

Then John Bresnan pulled off his first train robbery. He stood at the near end of the car, staring menacingly at the startled passengers over the top of his bandanna. "This is a stick-up," he said loudly. "Men only, wallets only."

This was the way he had decided it should be done. The idea was to pass through the car and collect wallets. He had thought about staying where he was and making the men come to him, but he had rejected this. It had the advantage of allowing him to face them throughout, but the disadvantage of confusion, stumbling, and delay; it would put his timing at the mercy of their timing.

The thing would be such a surprise, so unexpected, that he concluded he could go through the car without difficulty, and collect wallets as quickly as the passengers reacted to the facts of the matter. Similarly, he had decided to pass up women: the bulky handbags, the billfold just one small item among many, not easily located—too much time, too dangerous.

And so he stood at the head of the car, gun in hand, wearing blue jeans, sweat shirt, disguising handkerchief, and hat. When he said,

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"This is a stick-up. Men only, wallets only," the reaction was exactly what he had expected—startled eyes looking up, a hush of conversation.

He went to the first man on the right. "Okay, wallet," he said loudly, pointing the gun and holding the duffel bag open to receive the wallet. He got it, in the duffel bag, not quickly, but in fumbling disbelief. The timing improved as he passed through the car, and coming back the other side he found the wallets ready for him, held out.

Throughout these moments in the dumb-struck car Bresnan kept checking his watch: one minute, two, three. He covered everybody, took the lot, but there was one thing left: to the gaping attendant—the same colored man as on the day before—he said, "Cash register, bills only," and the bills poured into the duffel bag.

Then the moment arrived, four minutes and 30 seconds—oh, moment of doubt! oh, fear—and Bresnan pulled the emergency cord.

The train stopped joltingly. Bresnan backed onto the platform. He knew how to open the door, and he did so, jumping to the ground, ignoring the steps. It could not have been more precise: there was his car, parked among the trees, not 50 yards away.

He got into his car without looking back at the stopped train and drove a quarter of a mile west on the country road until he arrived at a culvert. There he stopped and got out. First he took off bandanna, hat, sweat shirt, and jeans, and put them on the road beside him. Then quickly he pulled the money from the wallets.

He put the money into a plastic bag—the kind that comes back from the laundry containing shirts—and, removing his rear left hub cap with a screwdriver, slapped the plastic bag inside. Then he replaced the hub cap. Next he stuffed wallets, pants, sweat shirt, handkerchief, and hat into the duffel bag and threw it deep into the culvert. The bag was never found.

Then he simply drove home. Nothing happened. He ignored Route 41, stayed off the Illinois toll road, and drove home on secondary roads. He heard no siren, saw no police car. As far as you could see, this thing had never happened.

He got home late that night, and his wife, awakened, said, "Aren't you home a day too soon?"

Bresnan answered, "I knew what would happen the next morning and I simply took off. Try to go back to sleep, dear."

Bresnan took the plastic bag downstairs to his combination study room and workroom in the basement. He emptied it and counted the money. It came to $1,300 cash, the bills flattened out now from their long ride inside the hub cap. There were a good many checks and a few packets of travelers' checks; these he tore up and

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took upstairs and flushed down the bathroom drain. Bresnan wrapped the little oblong bundle in brown paper, fixed it with Scotch tape, and stuck it in the bottom of a toolbox. His plan was to put it, under some other name, later on in a bank account; but for the moment he just put the money away and went to bed.

Bresnan had only half figured on the publicity, but it struck the next morning like lightning, nationwide. As he had half expected, thinking little of this side of the matter, radio and television and newspapers made a quasi-humorous story out of it, featuring the get-up and the method. There was one unhumorous element—$1,300.

But the papers made a big thing; they interviewed the people who had been in the car: "Golly, we thought it was a movie." They asked the railroad people about the emergency brake—everybody in the country turned out to be curious about this—and the sudden stop.

Bresnan merely went about his work. During the news splash his wife said, "Lucky you drove—you might have been robbed by that screwball bandit."

Three months later Bresnan did it again, between Indianapolis and Chicago, during the convention of the Modern Languages Association. The same routine, the same outfit and procedure, the same perfect result—this time the take was over $1,100—and the same big publicity: *Masked Bandit Rides Again* was the theme.

On this occasion there had been a roadblock. Bresnan, driving homeward from the crime, the image of professorial respectability, saw the cars ahead of him jamming up at a main highway intersection. He stopped in line. Ahead, at the intersection, highway patrol cars blocked the road.

Bresnan sat and waited. He saw a policeman coming down the line from car to car. Bresnan noted that the policeman talked briefly to the drivers, then apparently allowed them all to pull away.

The policeman was at his window. "Could I please look at your cards?"

"What's the matter, Officer?" Bresnan said as he handed his driver's license, owner's card, and faculty identification card through the window.

The policeman's eyes flicked down over the cards. "Some nut dressed up like a cowboy stuck up a train down the road a piece. We figure he must have got away by car, but he could have gone almost any direction, I guess. Did you see anything funny along the road?"

Bresnan said, "No. I'm just on my way home from a convention in Indianapolis. Stuck up a train? I didn't know they did that any more."

The policeman, still holding the cards, looked in at Bresnan. "Nei-

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ther did we. This is a real screwy thing. He did it once before—or somebody did—all dressed up like a cowboy and all that, and the papers were loaded with it. Don't you remember that in the papers? We figure this might be the same guy."

Bresnan said, "No, I guess if I saw it I don't remember it."

"Central State," the policeman said. "My daughter is figuring on maybe going there next fall. She thinks she wants to teach high school."

Bresnan said, "I wouldn't have thought you were old enough to have a daughter ready for college."

The policeman handed the cards to Bresnan through the window. "Well, Professor," he said, "I wish I just taught school or something and didn't have to chase after some cowboy nut making like Jesse James. Okay, go ahead. Take care of yourself."

Bresnan answered, "I hope you get him," and drove off.

The third time was in June, after commencement and before the beginning of summer school, at the Association of American Colleges meeting in Kansas City. This time, standing in his usual rig at the front of the bar car, Bresnan had the eerie feeling that he was almost *known*, yet he was rewarded by the same fumbling compliance. He was very terse, as usual; this was one of his features reported by the papers.

But, finished, and about to pull the brake cord, and having 15 seconds to spare, for the first time he did the professorial thing; he made a little speech, drove home the point. Bresnan said, "You students are no doubt put out by this, but think of it as an experience, an event of your life that you will never forget. In fact, you will tell about it to your grandchildren."

Then he pulled the cord, the train stopped, and he ran to his waiting car.

Bresnan did not notice it, but at his little speech a graying, crew-cut man in a brown suit, sitting halfway back in the car, bereft of wallet like the others, had looked at him with narrowed eyes. A few moments later, swiftly getting rid of wallets, rig, and duffel bag, Bresnan's eyes by chance lit on the cards in one of the wallets.

He paused and thought a moment. This was the first time *this* had happened; some other professor leaving early, and sitting in the club car at that. But he shrugged, went through the rest of his routine, and drove on home through the twilight and then the night.

Three weeks later, on a summer Saturday afternoon, John Bresnan was outside pushing the lawn mower up and down the back yard. He wore the usual too-large jeans and sweat shirt and old felt hat. He alternated these so that, on jobs, they would always have a uniform beat-up look.

In the toolbox in the basement, neatly wrapped, was the sum of

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$3,610 cash—not tremendous, but it took him, with his salary, to $11,000 per annum on a nine-month basis, irrespective of summer-school income, and this getting into five figures was a dream with Bresnan, as indeed with most professors.

He still hadn't the slightest idea what he was going to do with the money; he hadn't dared as yet even to set up the separate bank account. But it was there, safe even from his wife, and no doubt everything would work itself out.

He had, however, lost confidence in his routine. This was the end of it, had to be the end of it; this had been too good, too perfect—he had had too much luck. The next time—but there would be no next time.

Yet the problem remained. Only a week before, the contracts had come out for next fall. He had received a "merit" raise of $500, up to $7,500. This small raise, and this small total—and with Bresnan's record of good teaching and research and publication!

Then he heard a sound. Looking up, he saw a man standing beside him. The man was hatless and wearing a lightweight, good quality suit. His hair, beginning to turn gray, was crew-cut, neat; he was stocky, sturdy, ruddy-faced, blue-eyed. He looked, not salesmanlike, not meter-inspectinglike, not even businesslike, but somehow academic; and moreover there was the look of the *East* about him.

He said, "Professor Bresnan?"

And John, stopping, said, "Yes."

The man glanced around the yard and at the back of the white frame house. Then he said, "My name is James Kidd. I teach Spanish at Harrington."

Harrington was a university on the East Coast—*the* university really, ancient as American universities go, world-famous, prestigious to the skies, astronomical in endowment, sometimes called "overrated," "topflight in some departments," sometimes threatened with investigation as "un-American," and, in the profession, envied, envied, *envied*.

Bresnan put out his hand. "How do you do, Professor Kidd. I'm happy to meet you."

Kidd took Bresnan's hand, but, seemingly shy, kept looking about, at the trees, the fence, the back door. Meanwhile Bresnan just stood there. Then, abruptly, Kidd said, "I see the jeans and the sweat shirt. Where's the hanky and the revolver?"

John Bresnan said, "Huh?"

Even while saying this he felt the surge of fear and dismay racking his frame.

This was it. The handle of the lawn mower dropped from his hands. He felt his heart begin to beat violently—an instantaneous change from peace and comfortable wool-gathering.

He had not seen it in just this way. He had foreseen the awful ultimate: the cop on the train who

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had never materialized. But he had never in all his thinking considered being caught in his own back yard, wearing the very outfit—and by a professor!

He said, "Huh?" again and looked helplessly at the stranger.

Kidd put his hand on Bresnan's arm. "It's okay. Don't knock yourself out. Couldn't you and I go inside? You wouldn't have a drink around here, would you?"

They had to go through the kitchen. Bresnan's wife was getting dinner. "Dear," he said, "this is Professor Kidd from Harrington. He's stopping through here," Bresnan ended lamely, not really knowing what else to say.

His wife was far from a gushing woman, but of course she knew Harrington and she had to gush a little. It was lovely to meet him. He must stay for dinner. What in the world was he doing in these outlandish parts?

Bresnan took down from the kitchen cabinet a bottle of Scotch, half full, left over from the most recent modest entertainment of the faculty. He muttered, "We'll have this drink downstairs, and carrying the Scotch and a pitcher of water, led Kidd down into the basement study.

He poured drinks and looked up with suffering eyes. "Well, here you are."

Taking the glass, Kidd said, "I knew it was a prof, it had to be. I heard your little speech in the stick-up not a month ago. I was one of the victims, remember?"

Bresnan remembered the wallet which had caused him to stop and think. But Kidd went on, "One word you used gave you away: students. I checked the other ones: you did 'em all, didn't you? I checked the dates in the papers. Spanish Association, Modern Languages—it fitted in perfectly. I checked the registration lists to see who had been at all three of them. *You* were, and a few others, but I disqualified them because they were women, or too old, or something. In fact, it came down to about three, and I checked you out first, and the first thing I saw was you in those beat-up jeans and sweat shirt."

Here Kidd simply ran out of gas and sat there holding empty glass in hand.

Bresnan said, "We've got a little more," and poured out Scotch and water.

There sat the visitor, the only other one in the whole world who knew. The thought ran through his mind that he might bluster, might deny, pretend ignorance, take offense. But he was convinced it was already too late for that; his very face had given him away.

Another thought, immediately rejected, came to him—of getting tough with Kidd. No. At no time had he contemplated resistance to being caught; he had regarded this eventuality as simply the end of the

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line, the finish. He was speechless, crushed. He twiddled the glass in his hand, and stared at the floor.

Kidd obviously sensed Bresnan's shock and near-collapse, and seemed to want to ease the pain somehow. "Say," he said, "I like this room. I'll bet you did it yourself." Then, with many rapid words, and with a—to Bresnan—surprisingly intimate and confidential manner, Kidd told Bresnan some things about himself. What it all added up to was that he taught at the rank of assistant professor, he had a rich wife, and was crazy about boats.

He said, "You guys out here think you have it tough, but we've got problems, too. We start $1,000 beneath you, and we either stay on or we move out and get more money in a worse place. My wife is my lifesaver. I couldn't live the way I do without her. Her father gave me this 30-foot cruiser—I cover the Sound in that baby, believe me. My gosh, we live right *on* the Sound."

Bresnan, eyes still fixed on the floor, said, "That gun was never loaded."

Kidd leaned forward and said quickly, reassuringly, "It's *all right,* don't *worry* about it. I rather figured you did it that way. A man might think he has more money coming to him, and he can't get it with the system, so one fellow tries to get it one way and somebody else another way. But he doesn't want to be a real hoodlum, or a gangster, or a *murderer.* He doesn't mind being a kind of crook."

This, of course, was right along Bresnan's line, and despite his fear he could not help being interested that Kidd had figured him out so accurately. And one other thing: nothing had happened yet. There was no steely glint in the stranger's eye, no look of outrage. There had not taken place even the slightest move toward a purposeful march upstairs to telephone the police.

For the first time Bresnan raised his eyes from the floor and looked at Kidd, listening intently.

Kidd went on. "Take me. They'll never keep me or raise me because of anything I've got myself. I know that much. Spanish profs move in and out of our place like graduate students. In fact, graduate students *teach* most of the Spanish. I'm doubtful if I could even do better some place else. They might keep me on account of my father-in-law, because they hope they might get some big money out of him. But I'm probably getting a thousand less than you are right now, and I'd like to do more on my own. I'm sick of depending on *them* for everything."

Here Kidd's voice took on a dreamy tone; he seemed almost to forget Bresnan. He said, "But I love the ocean. You see, I have this boat, and it can go anywhere. I have this landing dock and boathouse, right on the Sound, cut in deep away

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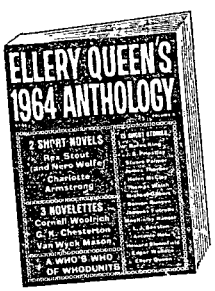
from everything. Think of all that money in all those ships—boats and travel have knocked the automobile out of business as status symbol. Even the people just going up and down the Sound in sailboats are loaded, and the people going *over* . . ." Here he paused and pulled at the Scotch. "Believe me, I've thought about this." He went on quickly, "I love the sea. I've read up a lot on it, those old guys like Drake and Captain Kidd and . . ."

Bresnan was listening to all this with a gradual stirring of a different kind of feeling, a growing joy. Somehow or other he felt that he was *safe*. Nothing had been said exactly, nothing right smack on the point; but the thought grew within him that this man from Harrington was *just like him!*

He looked at Kidd with the beginning of a smile, and waited—waited for the word—and when the word came he was not even surprised.

Kidd took the last swallow out of his glass of Scotch, put the glass down on the table with a rap, thought for a moment, and looked at Bresnan with wide-open, clear blue eyes. Then he said, "Bresnan, how would you like to knock off the *Queen Mary?*"



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Remember Elaine Slater's "first story"?—"The Way It Used To Be," in the November 1960 issue of EQMM. It was a memorable "first"—so striking that some critics commented on it ("neat creep," "technically extraordinary") when it appeared in ELLERY QUEEN'S 16TH MYSTERY ANNUAL, *published in 1961 by Random House.*

Well, here is Mrs. Slater's second story, and we can only repeat the words we used to describe her debut in print: "a curious and subtle story . . . with a surprisingly sharp bite."

Send us more, Mrs. Slater!

NIGHTMARE

by ELAINE SLATER

ONE MINUTE THE SUN WAS OUT, and the next it got all gray and dark. I saw lightning 'way far off in the direction we were going, but I couldn't hear any thunder yet. A wind came up from nowhere and all the leaves on the bushes and trees did a belly-flop.

I looked at Mom, but she was driving perfectly calmly as if nothing was happening. She looked too young to be my mother, and for a second I felt sorry for her, but then I hated her again.

She was taking me to this summer vacation camp, and I didn't want to go. Cripes, how I didn't want to go! She'd showed me this brochure and it had a picture of the Director and all the campers posed outside of bunks with their Counsellors. The Director was a bald, beefy guy with a silver tooth, smiling something awful. The Counsellors were great big jerks in white ducks and open shirts. They all looked too damn proud of themselves.

But the kids! I tell you it was the kids who tipped me off. There they were, standing in front of their bunks, their shorts hanging down, their shirts out, their hair practically growing over their eyes. And I'm telling you there was a look of such dumb misery on their faces, it'd give anyone the shakes. One kid in particular—Bunk 9, I think he was—was practically screaming a warning at me out of that picture. "Stay away from here, kid," he was saying, "this is Hell."

But my Mom was determined that I got to go to camp. And when Mom makes up her mind!

I begged Dad. I said, "Just look at those faces in the brochure. You can tell it's a crumby place."

My Dad has a fierce temper, but still he's an easier mark than Mom.

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But this time all he said was, "Your Mother and I have talked about this and you must trust us to do what we think is right for you."

He couldn't see those faces like I could, and I was ashamed to tell him the truth. I was scared. Cripes, I was scared!

I tried everything. First I tried persuasion. I argued with them all the time. I told them it was no good sending me there because I wouldn't stay. I told them they couldn't make me go if I didn't want to. Finally I got sent from the table so many times, I decided to go on a hunger strike. I had nothing to lose, I wasn't getting much to eat anyway. But that didn't last long.

Next I ran away. I didn't get far —my bike blew a tire. Then I tried to be as good as I knew how to be, so they'd want me around all summer. I must admit that worked the best. I helped Mom with everything, and when Dad came home I helped him wash the car and mow the lawn. I never even mentioned camp, but I could tell as the time grew closer that they were beginning to look at each other and then at me. They thought I wasn't looking, but I sure was.

Then the whole idea blew. We had a bang-up fight about my fingernails of all things! I don't know what happened to me. I guess all that helping was getting on my nerves. Anyway, I started yelling and fighting, and boy, two days later I was packed into the car with Mom and was headed for camp.

We'd just reached this rickety sign, "Happy Days Camp," when I heard the first thunder rumbling in the distance. The storm was coming fast. A few drops hit the windshield as we bumped down this long dirt road, and I thought, "My God! She's really going to do it. She's going to leave me here"— and suddenly I knew sure as shooting I was gonna die here. I was screaming inside, but my Mom was still perfectly calm, concentrating on this lousy dirt road.

The Director was there waiting for us with one of the Counsellors. He grinned at me just like in the photograph, and I swear behind his fat face and sweaty glasses, I could see a death's-head. He took my hand to lead me over to the Counsellor, but I grabbed it away. His hand was like ice even though the rest of him was all sweaty. I looked up at this big Counsellor and I almost dropped right there.

"This is Archie," the Director said, "Counsellor of Bunk Nine. Your bunk."

I sidled up to that big jerk and I whispered, I think I whispered, "I'm gonna kick you in the head."

Cripes! He only smiled down at me, a smile that said, "Anything you can do I can do better, and harder, and *MORE*."

Then there was this huge clap of thunder, and rain began to fall in buckets as we stood there on this weedy parking lot.

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I began to shake all over. I couldn't stop shaking. I was gonna die if I stayed here—I knew it. But nobody would believe me, most of all the people I loved best and the ones who were supposed to love me best.

I was shaking all over and had my eyes screwed shut . . . Then there was this sound like a bell screaming in my ears. I awoke shaking with cold. It was dark with just a thin edge of light coming over a distant freezing horizon, but the alarm clock was jangling insistently.

"Turn that damn thing off," my wife's voice said thickly. She was lying in the other bed in a stupor, her eyes closed, her mouth hanging open like a dead fish, and her hair in those great big curlers.

I looked at her in sudden revulsion and my trembling stopped. By God! She looked like my Mother in the dream. I pulled myself around and got out of bed. I picked up my pillow and stood over my snoring wife.

When I was finished she still looked like a dead fish, only this time she really was. Dead, that is. Then I smashed the goddam alarm clock and climbed back to bed. This was one morning I wasn't going to appear at her beefy father's plant or take any more goddam orders from her lousy brother, Archie.

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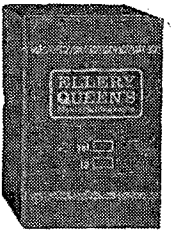

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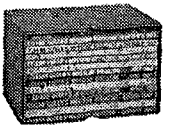
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EDITORS' FILE CARD

AUTHOR: **GORDON GASKILL**

TITLE: ***The Extraordinary Garsten Case***

TYPE: Detective Story

LOCALE: United States

TIME: Only a few years ago

COMMENTS: *Yes, it was an unprecedented case—the first murder trial to involve atomic research and nuclear fission . . . An unusual story—bizarre, fascinating, memorable.*

THERE HAD NEVER BEEN A CASE like the Garsten Case. It dealt with frightening new things. It was the world's first murder trial to involve the atom's weird powers.

Its principals were the famous husband-and-wife team of nuclear physicists, Doctors Emil and Susan Garsten.

At heart, the Garsten Case seemed more a question of morals than of pure crime.

Not the least of the case's bizarre features was the fact that it might never have come to trial at all. It burst into the public eye only after a long and bitter debate held behind the scenes in official Washington. And in a way this debate was nearly as dramatic as the trial itself, for it pitted the ancient, sacred precepts of Anglo-Saxon law against the strange new ethics of the atomic age.

For reasons of national security a public trial presented a great risk. It suggested the possibility of bringing to light certain facts of American science now closely guarded. It was argued that a single chance remark by a flustered witness might give away priceless secrets to hostile ears.

But the Department of Justice pointed to the law books. Technically speaking, there was a clear case for a murder prosecution. The law made no provision for the admitted fact that the victim would have died anyway from other causes. It cited various "mercy killings" as perhaps the nearest analogies to the Garsten Case. In

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nearly all of them the accused had been acquitted or received only a token sentence—but each had had to stand his trial.

In an attempt to reach some decision, a specially cleared team of Atomic Energy Commission and Justice lawyers visited the Brookland project, where Dr. Emil Garsten was continuing his work. They discussed the facts with him and, fantastically, although in a very informal way, tried to find out whether he himself thought he should be tried for murder.

Dr. Garsten gazed at them calmly, nodding as they explained the pros and cons.

"Well, gentlemen," he said at last in his impersonal, precise voice, "as a matter of principle, perhaps it would be best to bring me to trial. Thus future scientists, faced with anything like the same terrible decision, will know clearly where they stand in the eyes of the law."

So eventually William R. Haley, U. S. District Attorney for the federal district that included the Brookland project, received instructions that he did not welcome. The more he studied the file, the less eager he became for the trial. Still, he had no choice.

On his presentation, the Federal Grand Jury returned a true bill charging "that from June 10 until June 17, the said Emil Garsten did willfully expose his wife Susan Garsten to certain emanations from products of nuclear fission, knowing these emanations to be fatal, and thus is guilty of the crime of murder, against the peace and dignity of the People of the United States."

Contrary to precedent in murder cases, Dr. Garsten was allowed bail in the token amount of one dollar and continued to work in his laboratory until he came to trial September 3, before U. S. District Judge Carl L. Pennebaker . . .

Duncan Fleet, Garsten's defense counsel, leaned back in his chair, watching, not without something like sympathy, as the District Attorney made his opening statements. Besides the pleasant reflection that he would almost certainly have his client acquitted, Fleet was also well aware that his role in such a case would be worth publicity beyond the price of rubies. Not for a moment did he regret his instant decision not to take one penny in fees from Emil Garsten.

Haley, the District Attorney, was addressing the bench: "The Court will have judicial knowledge of the unusual factors in this case. Normally, the widest possible latitude is given opposing attorneys in examination and cross-examination, and this is of course as it should be.

"Yet in this case, Your Honor, nearly all the witnesses are scientists working in the greatest secrecy on matters vital to the security of our country. The slight-

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est slip by one of them might do more damage than the work of a dozen spies. Therefore, Your Honor, while I do not for a moment mean to limit the rights of the defendant, I am sure the Court will sustain me in protecting our national interests."

Judge Pennebaker nodded slightly. "The Court is aware of the delicate areas this trial will enter. However, I feel it best not to depart from established procedure any more than is absolutely necessary. The witnesses will be sworn in the usual way and there will be no ban on cross-examination.

"However," the Judge continued, "let me notify counsel that in any matter pertaining to sensitive scientific matters, I shall tend to accept the judgment of the learned witness himself as to whether a question is or is not unanswerable in the light of national security. And I shall not be apt to commit a witness for contempt if he declines an answer on the grounds of security."

Duncan Fleet rose. "Your Honnor, the defense agrees entirely with this attitude. I think there will be no difficulty in arriving at the facts of this case without revealing any dangerous secrets."

The Government called its first witness who was identified as Vernon D. Robson, director of the Brookland project under authority of the Atomic Energy Commission.

Question by the District Attorney: Bearing in mind security matters, will you kindly tell the Court the general function of that part of the Brookland project in which Dr Garsten is employed?

Answer: Yes. This part of our project is devoted to studying the effects of certain materials and emanations on the human body. It is extremely important work. In addition to Dr. Garsten, the staff included his late wife, Dr. Susan Garsten, as well as a certain number of other scientists and technicians.

Q: Please tell us, Mr. Robson, how and when you first learned of the death . . . let us say, the approaching death of Dr. Susan Garsten?

A: On the evening of June 17. Dr. Emil Garsten himself telephoned me, asking me to come to the laboratory at once. I did so and found the entire staff of the laboratory assembled there. In front of the staff, the Garstens explained what had happened.

Late in the afternoon of June 9, working alone in her own laboratory, Dr. Susan Garsten made . . . an error. Accidentally she did . . . certain things that would be fatal to her after a period estimated at seven or eight days. She told no one of her accident, except her husband.

Previously, you see, the work of this laboratory had been with instruments—theoretical calculations

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and experiments on lower animals —monkeys, rats, mice, rabbits, and so forth. Never, of course, on a human being. That would have been unthinkable.

The Garstens decided that this tragic accident was an excellent opportunity to make experiments on a live human being, because for most purposes Dr. Susan Garsten was still entirely normal. They told no one of their decision. They began their experiments on the following day, June 10, and continued them until June 17, entirely in secrecy. On that day she began to fail very rapidly. They summoned their entire staff to report on what they had done—and then called me.

Q: And until then, Mr. Robson, you had not had the faintest idea what they had been doing?

A: None, sir. They explained their secrecy by saying that I or their own staff might have stopped them, as indeed we would have.

Q: Is it fair to say, Mr. Robson, that since Dr. Emil Garsten was in sole command of that laboratory, he is therefore solely responsible for having conducted those experiments on his wife?

A: In that sense, yes. He had authority to say yes or no.

Q: But he said yes.

A: That is correct, sir.

The District Attorney said, "No further questions," and looked to the defense table. Duncan Fleet rose to cross-examine.

Question by Mr. Fleet: A moment ago, Mr. Robson, you said that this . . . error made by Dr. Susan Garsten was certainly fatal. Then you said you would have stopped the later experiments if you had known of them. Why was this? She was already, from the instant of that error, beyond all human help, was she not?

Answer: Oh, yes. I suppose my reactions would have been . . . well, more instinctive than logical. It would have seemed inhuman not to try everything possible to save her and unnatural to subject her to further experiments, each in itself also fatal.

Q: And yet you admit nothing could have been done to save her.

A: Absolutely nothing, sir.

Q: I believe the Garstens had prepared for you detailed reports of her accident and of the later experiments on her. Were those experiments of value, Mr Robson?

A: I would say they were of inestimable value, sir.

The prosecution's second witness was Dr. John Huniker, a physiologist attached to the Garsten laboratory. Dr. Huniker testified that any one of the experiments performed by Dr. Garsten on his wife would inevitably have caused her death. Under cross-examination he repeated that Susan Garsten had had absolutely no chance for recovery after her original error; that such a mistake would have been fatal after a period of approximately seven or eight days.

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The prosecution's next witness, Dr. Helen Koenig, was a young woman, plainly dressed, with fair hair drawn back in a knot.

Question by the District Attorney: Dr. Koenig, as Dr. Susan Garsten's assistant, being perhaps closer to her than the rest of the staff, you are in an especially favorable position to tell about what has been generally referred to as her "mistake" of June 9.

Answer: Well, Dr. Garsten herself wrote out a perfect report of it. But, yes, she also discussed it with me and at considerable length, on June 17.

Q: I do not need to remind you, Dr. Koenig, of the very delicate and dangerous nature of the subject matter involved here. But, bearing this in mind, will you tell us, in a general way, what this "mistake" was?

A: I shall try, sir. There are two different substances involved; I shall call them X and Y. If substance X is brought near to, or in contact with, another piece of the same substance, certain things happen which are extremely interesting but not fatal. This is, speaking very roughly, what she was doing in her laboratory. However, she made a mistake. By accident she brought a piece of substance Y into contact with substance X, and when this is done—without proper precautions—something quite different happens. There is a dull blue glow . . .

The witness cut herself short.

A: . . . Something happens that will be fatal to anyone within ten feet of it, after a few days.

Q: You say this is fatal, Dr. Koenig. Has this ever been proved?

A: It has been proved time and again, sir, on various animals.

Q: But not on a human being?

A: Not exactly. Several years ago a young scientist was fatally exposed to certain effects very much like this.

Q: But you say the phenomenon was not exactly like this one?

A: Not exactly, no. That young man's accident was seen by others nearby, while Dr. Susan Garsten was alone and no one knew anything had happened. Naturally, the man was hospitalized at once and every effort was made to help him.

Q: But why? I have understood that *theoretically* there was absolutely nothing that could be done.

A: No, that is true—nothing. And he knew it himself. But it seems like . . . well, human instinct to try anyway, even if you know nothing can be done.

Q: In other words, despite all theory, the theories might be wrong?

A: But they were not wrong. The young man in question died as predicted and so did Dr. Susan Garsten.

Q: But she died only after later experiments were performed on her—each of which, by itself,

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would have been fatal—is this not true?

A: Well . . . yes, but . . .

Q: And there is absolutely no way, by autopsy or otherwise, to prove whether she actually died as a result of her "accident," or whether she died because of those *later* experiments—is this not true?

A: Well . . . perhaps yes, in that sense . . .

Duncan Fleet, smiling, began his cross-examination:

Q: The prosecution has tried to muddy the waters by arousing some doubt as to whether or not Susan Garsten might have died because of the later experiments, not from the original accident. To clear this up, once and for all, let me ask you this: Was there any chance at all that she could have survived the results of her accident?

A: None whatever.

Q: Then would it be correct to say, Dr. Koenig, that for all practical purposes she was already dead at the very moment of her error?

A: Yes, that is correct.

Q: I realize, Dr. Koenig, that you must be guarded in your answer to my next question, but can you tell us how it happened that an experienced scientist like Dr. Susan Garsten could have made such an error?

A: There is no such thing as human infallibility, sir, and I am afraid nearly all of us in the laboratory have at one time or another made some kind of mistake. None, fortunately, so serious as the one she made. We have a saying that a lion tamer can become careless; he is with his lions so much that he forgets they are still savage and dangerous beasts. It is the same with the . . . materials we work with.

There are many safety controls, but despite them human error can creep in. In this case I may add that substance X and substance Y look exactly alike to the eye and are in . . . containers that are also much alike. This is not quite as bad as it sounds, because the containers are ordinarily kept in different rooms and handled with great care. This, plus other characteristics of the substances, would make such an error very unlikely.

However, Dr. Garsten often became highly absorbed in her work and when she brought out the containers on the morning of the ninth and opened them, she realized too late that she had returned one container to the wrong room the night before.

When court reconvened after lunch, Fleet began the case for the defense. His first witness was Miss Carla Higgins, fortyish, with a thin sharp face, identified as chief of the stenographic and secretarial department of the Garsten laboratory.

Question by Mr. Fleet: Your duties, Miss Higgins, consist in taking down whatever reports or dictation the various scientists wish to give

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you, either by shorthand or by tape recording?

Answer: Yes, sir.

Q: Kindly tell the court what happened on the afternoon of June 17.

A: Well, the whole staff was called into Dr. Garsten's office. Both of them were there. She looked very tired and sick. When we were all there, she said she had a statement to make and she told me to get the tape recorder and take it all down.

Duncan Fleet addressed Judge Pennebaker: "Your Honor, we wish to play back this recording in court. It is complete and untouched, except for certain sections that have been deleted on security grounds."

A technician adjusted the playback mechanism and in a moment the hushed courtroom heard the quiet, calm voice of the dead woman.

"My husband and I have thought it best," the voice began, "to call you all together this afternoon so there will be no doubt whatsoever about what happened. Last week, on June 9, because of my own carelessness, I made a mistake in my own laboratory. You will all immediately recognize what it was and what its certain effects would be. I . . ."

(Here the details of the mistake had been deleted.)

". . . As you all know, the effect is fatal after a period we have calculated at seven or eight days. Today is the seventh day. I am quite well aware that our theoretical calculations have not been far wrong. I expect to die either tonight or tomorrow."

The court stirred but the even voice did not change or tremble.

"None of you saw me make this error," the voice went on, "since I was alone in my own laboratory. I reported at once to my husband and we decided on what seemed a sensible course of action. As you know, we have done the best we could in our work with animals and instruments and theory. Still, there is no substitute for a live human being for certain experiments.

"After my accident we realized we had a priceless and unique opportunity. My death was, of course, certain within a few days, but for those few days I would be in many ways absolutely normal. At least for the purposes of some of our experiments. So we decided to use *me* as a subject. We had nothing whatever to lose, since I was already dead in all but name—and science had a very great deal to gain.

"We decided to tell no one else at all what we were doing. We were frankly afraid that you or the higher authorities might, from a misguided sense of humanity, be tempted to stop us.

"We feel that what we did was logical. The results have been fascinating and I doubt that they could have been obtained in any other way. We have prepared full reports on our experiments and I

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think that when you read them, you will agree.

"Our work is done now; the results are in those files and we now propose to call the project director, Mr. Robson, and explain to him. I wanted to make absolutely clear what was done, why it was done, and that it was done with my wholehearted consent and approval . . . I've enjoyed these years in this laboratory, working with you and with my husband. I'm sorry to have to leave you but perhaps my mistake will have served some purpose. At least it will teach you one thing —*watch the lions!*"

There was not the slightest sound in the courtroom as the recording ended. Every eye was on Dr. Emil Garsten. He sat motionless, staring steadily, unblinkingly, to the front. Fleet realized what an ordeal this must be for Dr. Garsten and was impressed by the doctor's dignified control.

Duncan Fleet produced his next witness, a tall, sandy-haired man named Dr. Henry Curran, who was identified as chief analyst of the Garsten laboratory.

Question by Mr. Fleet: Among your functions, Dr. Curran, you analyzed and evaluated the results of the experiments that Dr. Emil Garsten made on his wife, beginning June 10. Is it fair to say that these experiments, which Dr. Susan Garsten endured with such courage, might—in the event of an atomic war—save many lives?

Answer: Entirely fair, sir, and even an understatement. They would save hundreds of thousands, perhaps millions, of lives.

Duncan Fleet turned to the District Attorney: "Cross-examine."

William Haley rose and frowned at the witness.

Question: To a layman, Dr. Curran, this dispassionate acceptance of death—this viewing of one's own body as if it were a body already dead, subject only to a kind of postmortem—seems almost inhuman. Is it possible that anyone, even the most devoted scientist, should really possess such incredible objectivity?

A: It is no surprise, sir, to anyone who knew either of the Garstens. Not only would she permit such experiments, she might even suggest them herself. They would have done anything in the interest of science—given, of course, the original accident. Their minds worked on a plane of pure, cold logic.

Q: Would you do the same thing that she did, given the same circumstances?

A: I . . . I can't really answer I like to think that I would, yes . . .

The courtroom rustled with excitement as Duncan Fleet said, "I call Dr. Emil Garsten to the witness stand." As in most murder trials, the public could not know until the last moment whether or

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not the defendant would decide to testify in his own behalf.

At first his testimony was vaguely disappointing, for it duplicated ground already covered by earlier witnesses. Then:

Question by Mr. Fleet: Are you convinced, Dr. Garsten, that the experiments you made were worth it?

A: Beyond question. As previous witnesses have agreed, they were of incalculable value and I doubt that they could ever have been achieved in any other way.

Q: And you never felt at any time that you were subjecting your wife to death?

A: No. We both discussed this quite calmly and logically. For all practical purposes except experiment, she was already dead at the instant of her tragic error.

"No further questions," Duncan Fleet said. "Cross-examine."

The spectators stared at the tall, heavy-set scientist, partly fascinated, partly repelled. He seemed to the uneasy courtroom a grim symbol of the atomic age, moving in orbits beyond the understanding of the ordinary man.

The District Attorney sensed this and turned it to account.

Question by the District Attorney: I am aware, Dr. Garsten, of your stature as a scientist but I am puzzled about you as a human being, as a man—above all, as a husband. Is it conceivable that you or any other man, learning his wife had just suffered an accident that would probably be fatal, would react as you did? Without demanding medical aid at once? Without telling one single soul?

Answer: We faced facts, sir. There was no help for her. None.

Q: Yet every day one hears of people suffering from so-called "incurable diseases," of people being told by their doctors that they have only a month or a year to live, and often they live to ripe old age.

A: This was different, sir. There was no help for her.

Q: Did you love your wife, Dr. Garsten?

A: Very, very much, sir. We had been happily married. We had studied together, worked together . . .

Q: And yet, when she was faced with death, you said nothing to anyone. You decided, as calmly and cold-bloodedly as if she were—forgive me—a white rabbit or a guinea pig, not a beloved wife, to make these experiments, knowing each experiment in itself would be fatal?

A: It seemed right to us.

Q: One point, Dr. Garsten. In all the testimony heretofore, it has been said that "we" decided to make these experiments. I submit it seems unlikely that you both thought of them at the same instant. In fact, was it you or was it your wife who first suggested these experiments?

Duncan Fleet, along with the rest of the courtroom, held his

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breath. He had been afraid this question would come and had tried to warn Garsten of it. The scientist had agreed to use the word "we" as long as possible but had said he would tell nothing but the exact truth, if questioned more closely. And he kept his word.

A: I suggested it first, sir.

A sigh, almost a moan, swept the courtroom and Duncan Fleet felt his heart sink.

Q: You yourself asked your wife to submit to these fatal experiments.

A: Yes. She was, if I may repeat it, already dead.

Q: And would you do the same thing again?

A: Given the exact set of circumstances—yes, sir, I would.

There was utter silence as Dr. Garsten left the witness stand.

There were no more witnesses for the defense. Duncan Fleet began summing up his case, speaking in a low quiet voice, recalling the various steps of the drama.

In his peroration he said, "We speak in law, ladies and gentlemen of the jury, about double jeopardy —and by that we mean, of course, that a person cannot be tried twice for the same crime. Let me use this term in a different sense: *I say to you that a man cannot murder someone who is already dead!*

"And let there be no mistake about this: at the instant of her fatal mistake Susan Garsten was already dead. All learned witnesses have agreed on that without any doubt, without any conditions. Nor has even the Government so much as hinted that they were wrong. No, ladies and gentlemen, she was already dead.

"I say to you that Dr. Emil Garsten is guilty—if there had been the slightest chance, even a chance as remote as the farthest star, that any action could have saved her life. But again all the learned witnesses agree—and again the prosecution does not deny it—that there was no chance, no cure, no remedy. None!

"So they came then, these two, to a fearful question. Should those last days be wasted in vain medical care, with absolute knowledge that it was vain? Or should those days be used in experiments that might one day save millions of lives?"

Fleet paused, his voice sinking almost to a whisper. "Pray God, ladies and gentlemen of the jury, that neither you nor I will ever have to face such a decision. But these two, according to their lights, their logic, their love of humanity, made their decision—to begin their experiments on a body already dying from the deadly mysterious effects of this unknown power. In those last tragic days of life they worked together as a team, as they had always worked.

"You can condemn Emil Garsten —but only if you say that Susan Garsten was a monster too. For if you honor that woman's heroism,

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you must find the husband equally heroic in a different way—a man who had in his heart, not murder, but a high love of humanity!"

There was a long hush in the courtroom when Duncan Fleet had finished. Then the District Attorney spoke for the prosecution.

"My worthy opponent," he said, "has made much of twisting the true meaning of the phrase 'double jeopardy.' He has tried to make you believe that there is one kind of death for scientists, another kind of death for other men. I deny this and you must deny it.

"The law says a simple thing. The law says that a person is not dead until he is dead. Until breath has left his body, until his heart shall beat no more. The law says that human life is a sacred thing, a thing not only sacred in the eyes of God, but sacred also in the eyes of men. Even of scientists. And until the breath is gone, until the heart shall beat no longer, a person must be presumed to be alive!

"Who can tell what miracle may happen? Who can say, as these learned gentlemen have tried to say, that there is absolutely no hope? If they are right, then the law must be changed to say that some men have the knowledge, the power to know what no other men have ever been able to know before —that there is no hope. The law presumes hope; all nature, all experience presumes hope.

"Dr. Emil Garsten," he concluded, "subjected his wife, a living, breathing human being, to deadly forces, knowing them to be deadly, and this, ladies and gentlemen of the jury, is only one thing. It is murder. If this man walks free from this court, you will be granting special, horrible privileges to who knows what other scientists in who knows what other laboratories."

Judge Pennebaker's charge to the jury was brief and, as he listened, Duncan Fleet felt better.

"You will note, ladies and gentlemen of the jury," the Judge said, "that although the capital penalty is possible under the indictment, the Government did not ask for it —did not, in fact, suggest any specific punishment at all. From this omission you will draw your own conclusions.

"According to the law, the question of intent is vital to the charge of murder. It is not enough for you to decide that, had you been in his position, you would have acted differently. You must decide whether in his heart the defendant willfully and knowingly planned murder when he conducted those experiments on his wife, or whether he acted in what he thought was the interest of humanity."

The jury filed out and Duncan Fleet glanced curiously at his client. As always, Dr. Garsten was impassive, silent, unmoving. The jury returned with its verdict within an hour.

Not guilty.

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Gradually the Garsten case disappeared from the newspapers and Dr. Garsten himself disappeared again into the secret precincts of the Brookland project.

It was at least three months before Duncan Fleet saw Garsten again and it was entirely by accident. Fleet was lunching at one of the great New York hotels, and crossing the lobby, he saw a figure that seemed familiar. It was Dr. Garsten and in somewhat strange circumstances.

Fleet spent a troubled afternoon. In his office he called for the transcript of the case and reread all the testimony. He stared out the window, lost in thought. Around five o'clock he telephoned the hotel. Dr. Emil Garsten was registered there and in a moment Fleet was talking to him.

The scientist seemed surprised. "What, tonight? Well . . . I'm going out for dinner at eight. If you'd like to come up to my room around seven thirty . . ."

Fleet knocked at the door at precisely seven thirty, looking every inch the busy attorney, complete with bulging brief case. Dr. Garsten seemed unusually cheerful, but conversation moved slowly. At last Fleet came abruptly to his point.

"I happened to see you in the lobby today . . . with Dr. Helen Koenig."

The physicist smiled. "Yes, I thought you probably had. Otherwise you'd not have known, I suppose, that I was here."

Fleet nodded. "I'd hardly have recognized her, dressed as she was, with her hair done differently. She's quite an attractive woman."

"Yes, isn't she?" Dr. Garsten agreed.

There was a short pause and then with an effort Fleet continued, "I happened to be looking over the trial transcript, Dr. Garsten, and I noticed a strange thing. All the attention was concentrated on the moral right or wrong of those experiments. Very little, if any, attention was paid to the original accident. Certainly it was not suspected."

"True," the scientist said softly, "it attracted very little attention."

Fleet braced himself. "So today, when I saw you with Dr. Helen Koenig, I had a strange thought. I began to realize how simple it would be for a skilled man with access to all the rooms of the laboratory to make certain that substance X and substance Y could be confused by an unsuspecting wife. Or even to have Dr. Koenig see to it . . ."

"Nonsense!" Garsten said sharply. "She knew nothing whatever about it!"

The words hung in the air, irrevocable.

At last Fleet said, "You are surprisingly frank, Dr. Garsten."

The scientist nodded calmly. "I recall you reproached me for my

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frankness before the trial, Mr. Fleet." He smiled. "Frankness is a necessity of science. We must have direct, logical thinking, without fuzziness, without subterfuge. For example, you seem surprised I am so frank with you now—that I do not deny the things at which you hint not so subtly. Why should I? I have been logical. In the so-called mistake my wife made, as well as in talking so frankly to you now, I merely calculate all the factors, logically."

"Which factors?" Mr. Fleet asked.

The physicist held up his fingers. "First, you can say nothing about what I have just told you, because any conversation between lawyer and client is privileged. Second, even if you did, you could never prove what I have just said. You could embarrass me, yes, but it would be simply your word against mine and useless in a court of law. Even if you dared make such a fool of yourself as to admit openly you had been so misled.

"But third, Mr. Fleet, and far more important than the rest, is the matter you yourself suggested at the trial—the matter of double jeopardy."

Dr. Garsten stood up. Once again his self-possession seemed superhuman to Fleet. "Of course I don't have to explain double jeopardy to you. I have already been tried and acquitted of the murder of my wife. Even if I shouted from the housetops now that I actually had murdered her—legally, I can never be tried for it again!"

He paused, smiling at the attorney. "And you can't bring me to trial for perjury either," he said finally, "because every word I said in that courtroom was the truth."

Fleet also stood up, sighing. "You might have made a good lawyer, Dr. Garsten. I hope I never have such a case again. I don't need to tell you what I think of you, Doctor. I'm sure you don't care."

"Not in the slightest," Garsten smiled, holding open the door.

They were silent as the elevator took them down. Finally in the crowded lobby, Fleet said suddenly, "Still, Doctor, I have a few comments to make on your 'scientific method,' especially about the law. I hope your feelings aren't hurt when I say you've made some rather grave mistakes."

Dr. Garsten's eyes glittered. "Go on."

"About those three points you mentioned upstairs. First—that conversation between client and lawyer can never be revealed. Since the trial ended, Dr. Garsten, I have no longer been your lawyer—merely a private citizen. And in any event, you are slightly confused. To say that a lawyer cannot be forced to reveal what a client tells him is not to say he cannot reveal it voluntarily if he likes. Still, I won't debate the point, although I could defend it pretty well before the

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Ethics Committee of the Bar Association if I had to.

"Secondly, you said I can't prove what you told me upstairs. You see, Doctor, I rather counted on your frankness before I came here today—and I think you'll find I was quite right in warning you about it. I'm sure you know about the tape records, Doctor—but perhaps you don't know that they're now made so small, so light, so silent that they fit easily . . . into a brief case, for instance?"

Garsten stared at him, then made a quick, impulsive move toward the brief case. The attorney lifted it away, out of danger. "Think of all the people watching, Dr. Garsten," he said softly. "Which is, of course, why I waited until we were down here to tell you. Safety in numbers, you see. The machine was on all the time in your room, recording every word you said."

The physicist sighed. "I see I underestimated you, Mr. Fleet. You could, of course, embarrass me greatly with your recording. Still, I can't be tried again. Or will you try to tell me the principle of double jeopardy is no longer valid?"

"Oh, entirely valid," Fleet smiled. "But the law, Doctor, is in its way almost as precise and exact as your science. True, you have been tried and acquitted and can never again be tried for the crime described in that indictment."

He looked the physicist straight in the eyes. "But that indictment, Doctor, charged you with murdering your wife by various experiments between June 10 and June 17.

"You were never accused of murdering her *on June 9,* the day of the 'accident' you arranged so carefully. In the eyes of the law that is an entirely new and different charge, Doctor—one on which you have not yet been tried."

Garsten stared at him. Still his self-possession did not waver.

"A strange irony, Doctor," Fleet continued softly. "One tape recording, made by your unsuspecting wife, cleared you on one murder charge. But I think you will find that this second tape recording on a second charge will lead to quite another verdict. And, I hope, to a death swifter and more merciful than the one you arranged for your wife."

Duncan Fleet was right.

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a new story by

EDITORS' FILE CARD

AUTHOR: **HELEN NIELSEN**

TITLE: ***Witness for the Defense***

TYPE: Courtroom Story

LOCALE: United States

TIME: The Present

COMMENTS: *The woman who sat waiting in the hall was the only witness for the defense of Larry Payne, murderer—with the exception of three psychiatrists . . . A solid and satisfying reading experience.*

THE WOMAN IN THE HALL SAT alone on a backless wooden bench, her cotton-gloved fingers laced over a large pouch bag, her sensibly shod feet set flat on the marble floor, her ramrod-straight back stressing the seams of a heavy tweed ulster purchased before the added weight of middle-age, and her Viking-grim face staring ahead at the soiled plaster wall with eyes that saw nothing—and remembered much. Her name was Martha Lindholm, and she was the sole witness—with the exception of three psychiatrists—for the defense of Larry Payne.

Larry Payne was a murderer. He was twenty-three years old, handsome in a weak, boyish way, and only partially aware of what was happening to him. It had been a complicated trial, so full of legal ramifications that the once sensation-hungry spectators gradually lost interest, and the press, represented by three locals and one correspondent from San Francisco, had to tax their imaginations to make readable copy for the daily editions.

Now the trial was almost over. The double doors leading to the courtroom of Superior Court Judge Dwight Davis were closed; behind them an empty chamber awaited the return of a jury which would decide if Larry Payne were to live

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or die. The jury had filed out at four P.M. It was now ten minutes past midnight.

Except for the woman on the bench, the hall was empty. All was silent outside the press room where four newsmen and one female observer from the Department of Sociology at the local university lingered over a stale game of draw poker.

The female sociologist raked in the pot.

"Beginner's luck," Mark Christy growled.

"The superiority of science over the seat of the pants," she said crisply. "The coming age, Mr. Christy. You romantics will soon be obsolete."

Her name was Lisa Wyman. She was about twenty-eight and would have been pretty, Mark Christy conceded grudgingly, if she hadn't been so scientific. He rubbed a handful of fingers through his unromantically thinning hair and shoved back his chair.

"Wounded?" Lisa asked.

"Weary," Mark said.

He came to his feet and walked across the room to a filing cabinet that stood near the hall doorway. On it was a thermos of coffee. He picked up a paper cup and glanced at the wall clock.

Morrie Hamlin of the *Herald* had sharp eyes. "You lose again," he said. "It's after midnight and still no verdict. You said it would take only two hours."

"I said," Mark answered acidly, "that no twelve sane adults would waste more than two hours before finding Payne guilty."

"The voice of retribution," Lisa intoned, "and after all those weeks of professional testimony!"

The other men in the poker game were Sam Jorgens, editor of a county weekly, and young Ed Combs on his first assignment since graduation.

"Please, teacher," Sam asked, "what did all that technical jargon mean? Poor Larry didn't have all the love and kisses and bright sunlight he needed when he was a little boy. Well, who did?"

"Dr. Wyman's right," Ed Combs insisted. "Payne's a sick man."

Mark Christy held the paper cup under the spigot of the thermos and filled it to the brim. "I'd be sick too," he said, "if I'd stuck a knife in a prison guard. Larry-boy can't be such a martyred saint or he wouldn't be in a place where they have guards."

"Payne was sent up on a charge of statutory rape," Combs reminded. "You know what that means."

"He didn't get a life sentence for statutory rape. He tried the knife at least once before he killed that guard."

Sam Jorgens was a philosopher. "Lincoln's doctor's dog," he observed. "I've got ten dollars that says Jay Bellamy gets an acquittal for Payne—not because of the head-shrinkers, but because of the

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corn he pitched to the jury." Sam's voice dropped mockingly. "Larry's parents abandoned him—he was left with a maiden aunt—somebody killed his little dog—"

"A dog he loved deeply," Lisa Wyman interrupted. "A child has to love."

"And he couldn't love Old Stone Face," Combs added. "Who could? Can you imagine what would happen if a man came near her?"

There was still a tinge of adolescent arrogance in Ed Combs's laughter. Mark Christy stood in the doorway with the cup of coffee in his hand. His eyes found the hall and the woman on the bench sitting exactly as she'd been sitting these many hours.

"She's still out there," Mark said softly.

"Knitting?" Lisa asked.

"Knitting? Why?"

"Madame La Farge knitted."

Ed Combs tittered appreciatively.

"I don't think that's fair," Mark said. "She did come all the way from Dallas to testify for Payne." He turned away from the hall and looked back over his shoulder. Lisa Wyman was dealing another hand.

"I have two children," she said. "If they were in trouble, I'd fight for them—and I mean *fight!* But that woman out there has no emotion at all—not a drop."

"If that's true—if she doesn't care what happens to Payne—what is she waiting for?" Mark demanded.

"The payoff," Combs said. "She got stuck with an unwanted kid twenty years ago—"

"I asked Dr. Wyman!"

There was enough late-hour irritation in Mark's voice to cause a momentary freeze. Then Sam Jorgens grinned.

"You didn't lose that much, Mark," he scolded. "Come on, pick up your hand and we'll give you a chance to break even."

Mark ignored the invitation.

"Why is she waiting?" he challenged Lisa Wyman again.

"Mr. Combs may be right," Lisa said, "although I'm inclined to think it's an expression of guilt. She has to punish herself for her failure to be a woman."

"Couldn't she be waiting out of love for Payne?"

"You heard her testify. Did she speak one loving word? Did she show one sign of compassion?"

There was no answer. Lisa completed arranging the cards in her hand, then looked up. Mark Christy was gone.

The woman on the bench didn't notice him at first, but the cup of coffee Mark held out to her gave off a tantalizing aroma. She turned toward him inquiringly.

"I thought you might be able to use this," he said. "Be careful—it's hot."

Her reflexes were slow. She stared at the cup for a few seconds, then unlaced her fingers and accepted it with one gloved hand.

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There was something very proper about the way she took the cup that reminded Mark of his own manners.

"I'm sorry," he said, "Do you take cream?"

The question might have been one of deep philosophical significance. "No," she answered soberly, "I don't. I haven't taken cream since before the war. For a long time there wasn't any—just canned milk—and I don't like canned milk."

She closed both hands around the cup and drank slowly. Mark watched her—fascinated by the one mystery remaining in a headline-exhausted case. Did she think of the war because it was at that time Larry Payne was placed in her care? She would have been in her early thirties—an old maid by the standards of a small Texas community. By her own choice, surely—she was a plain woman but not homely.

"It must have been tough," Mark mused, "stuck with a child nobody wanted."

She lowered the cup and looked sharply at him.

"You're one of those reporters, aren't you?" she asked.

Mark grinned. "Don't hold that against me. I have to earn a living."

But the confidence he'd hoped to foster was destroyed. She was now uncomfortable. She shifted her position nervously, and one foot scraped against an object on the floor. Mark looked down. It was a shabby suitcase.

"It's mine," she said quickly. "Checkout time at the hotel was two P.M., but when the jury went out at four I made them let me go without paying for another night."

Mark Christy scowled. There wasn't a hotel room in town expensive enough to justify so long a vigil on that hard bench—unless Lisa Wyman's analysis was correct.

"Look at her hands clutching that purse," Lisa had said. "Look at her tight mouth. She's miserly about everything—especially love!"

That was said the day Martha Lindholm took the stand, exactly two weeks after the trial had begun . . .

Sutton County was a ranching and winery area. The old courthouse at Sierra Vista dated back to a time when the State Capitol was at Monterey, and the superhighway that snubbed the city at the overpass was only a stage-coach trail to the booming settlement of San Francisco.

Many outward changes had come to Sierra Vista—a new front on the Vallejo Hotel, parking meters in the business district, and a fruitful crop of television antennas stretching from Mexican town to the new Rancho Cresta subdivision. But inward changes came slowly. It was three days before Jay Bellamy got a jury that gave him any confidence. Larry Payne was a convicted rapist

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and a killer. To the ranchers and housewives and merchants of Sutton County these were the ugliest crimes in the human repertory of evil.

Bellamy was a young man—quick, alert, his hair worn in a close crew-cut. He was the scientific half of the law firm of Bellamy & Raines, appointed by the state to defend Larry Payne. Lew Raines was gentler—he brought a "bedside manner" to the courtroom. Women jurors were selected with an eye to Lew's talents.

"But there's no emotional side to our case," Lew complained. "The emotion will be on the other side. All Hastings has to do is unbutton his coat and show his galluses."

Fred Hastings, the District Attorney of Sutton County, was a rancher. He wore a big hat to the courtroom and placed it conspicuously on the table beside his brief case. There was something steady and unchanging and dependable about that hat—it inspired confidence in nervous jury candidates.

"Do you believe in the death penalty?" Hastings asked.

The prospective juror was a small rancher. He held his own big hat tightly in sun-browned hands. After sober thought, he answered, "Yes, sir. I do."

"And do you understand that—because the defendant is already serving a life term for a felony offense—that a verdict of guilty calls for a mandatory death sentence?"

Quietly, "Yes, sir."

"Candidate acceptable for the prosecution."

Jay Bellamy approached the stand. There was no familiarity when he posed his single question.

"What is your opinion of psychiatry?"

The hat twisted slowly in the rancher's hand.

"I don't know as I'm an expert . . ."

"None of us is," Jay responded. "I merely want to know if you will honor the statements of qualified psychiatrists who will testify for the defendant in this trial."

A year ago it would have been stifling-hot in the room, with only the sweep of the old ceiling fans to cool the court. But a year ago the county budget had provided for air conditioning. Perspiration now came from nervous tension.

"Well, sir, I have a son the same age as Larry Payne. He's stationed at Canaveral and he's expected to obey orders even at the cost of his own life. I don't go along with coddling murderers."

Tersely Jay said, "The candidate is unacceptable to the defense."

Even when the jury was finally completed, Jay Bellamy had misgivings. People liked a simple world with simple definitions. In 1843, fifteen English judges had defined legal insanity in what was known as the M'Naghten Rules. Roughly, they declared a person not criminally responsible for an

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offense if at the time the act was committed he was mentally unsound so as to lack knowledge that his act was wrong. In the light of modern psychiatry the law was obsolete—but that light had yet to reach the statute books.

"We aren't fighting Hastings," Lew Raines predicted ominously. "We're up against a hundred and twenty years of Anglo-American legal mythology. Look at the faces of those jurors, Jay. I tell you, change the plea to self-defense before it's too late."

"Payne stabbed the prison guard in the back," Bellamy answered. "*In the back*, Lew. We have no plea but insanity."

"But it won't sell!" Raines insisted. "Think of Payne's record. For a conviction of statutory rape he was sent to San Quentin. For possession of a knife he was given an automatic life term. Now he's charged with a murder that never would have happened had he received proper treatment in the beginning. Legally we're not in the Twentieth Century, Jay. Legally we're in the Dark Ages!"

Bellamy picked up his brief case and moved toward the door.

"I'm familiar with Payne's background," he said quietly, "but the plea is still 'Not Guilty by Reason of Insanity.'"

"Hastings will throw the M'Naghten Rulings at you."

Jay smiled wryly. "I expect he will, and then we'll find out."

"Find out?"

"If this is really the Twentieth Century—or the Dark Ages."

Larry Payne's face mirrored an innate innocence—as if the sordid crimes charged against him had been committed by a sleepwalker. He was brought handcuffed into the courtroom, then his hands were freed, and he was allowed to sit between his two attorneys. He smiled shyly for the press photographers. Mark Christy watched from the press row.

"How do you like that for a killer?" Mark said. "He looks more like an honor student from Sierra Vista High."

"It's the release," Lisa Wyman explained. "He's killed. He's had his release."

"That's great!" Morrie Hamlin growled. "All they have to do is turn him loose and he can go on using his knife for therapy."

Morrie's viewpoint was the wall of resistance Jay Bellamy had to break down. Their client's record was ugly—one of increasing violence without any sign of reformation . . . Methodically, Hastings laid out the mechanics of the crime before the jury.

The first witness was Carlos Ventura, Larry Payne's cellmate.

"Tell the court in your own words," Hastings said, "exactly what happened the day the prison guard, Warren, was killed."

Carlos Ventura looked out over

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the courtroom with bland, noncommittal eyes. Only when his glance rested on Payne was there a flicker of contempt.

"Well, there was this trouble about a knife missing from the kitchen. Warren came to the cell to search Payne's bed."

"How did Payne react?"

Carlos Ventura's mouth formed a hard smile. To be a prisoner called to testify in court was to be nothing; but nothing was better than Larry Payne.

"Like he was scared," he said. "Warren knew it. You always know when a guy's scared."

"And then what happened?" Hastings asked.

"Warren told Payne to face the wall while he searched the bed. Payne turned around—then all of a sudden he whirled and made a dive for the mattress. That was it."

"What was it?"

"The way it happened—fast. Payne grabbed the knife and shoved it in Warren's back."

"Did Payne say anything? Did he give any warning that he intended to stab Warren?"

"He didn't make a sound. He dived for the knife and let Warren have it in the back."

Raines leaned forward, listening. Bellamy watched Payne for a reaction; but there was none—the prisoner's attention was elsewhere. A fly buzzed lazily above Judge Davis' head and then lighted, unnoticed, on his collar. It seemed highly amusing that a dignified judge should wear a fly on his collar. Larry Payne smiled. A flashbulb winked nearby. The morning editions would carry the photo with a descriptive caption like *Payne leers as cellmate tells how he stabbed prison guard.*

Anticipating Bellamy, Hastings put a psychiatrist for the state on the stand. Dr. Lodge testified that Larry Payne had been given exhaustive tests after the murder. The psychiatrist, a slight, intense man, stated firmly that he had found the defendant coherent, responsive, and fully aware of the nature of his act.

"And therefore responsible under the law?" Hastings pressed.

"As I interpret the law, yes," Lodge answered. "I found the defendant sane."

Raines was almost beyond restraint. He leaned across the defense table and tugged at Bellamy's sleeve.

"That's impossible," he protested. "We have the analyses of Toler, Britt, and Stauffeur!"

Bellamy calmed him with a gesture. He rose and came forward to cross-examine.

"Dr. Lodge, at the time you examined the defendant, had he received prior treatment of any kind?"

Lodge hesitated. "I'm not sure I know what you mean."

"Had he been under the care of a medical doctor?"

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"I don't know that I can answer that question."

"But I can," Bellamy said quickly. "Immediately after knifing Warren, the defendant was taken to the prison infirmary where he was treated for hysteria. He was later transferred to the county jail—under sedation. There—still under sedation—he was questioned by the District Attorney. What I'm trying to establish is simply this: was Larry Payne under sedation at the time of *your* examination?"

"Yes," Lodge admitted. "He was."

"And you have never examined him at any time when he was *not* under sedation?"

"No, sir. I have not."

The admission was a telling blow—but there was no way of knowing how it registered with the jury—all juries are unpredictable. At the close of the day's session Bellamy reminisced while packing his brief case.

"I once defended a car thief," he recalled, "who was caught in the act, chased by the police and wounded five times in a running gun battle. The jury found him Not Guilty."

"You've made your point," Raines admitted grimly, "but I think we missed something with Ventura—" Raines didn't finish his statement. He looked up to see Hastings in the aisle, and reticence wasn't one of Lew Raines's noticeable traits.

"How does it feel to ask for the life of a man so mentally ill he doesn't know what's going on?" Lew demanded.

Hastings smiled wryly. "I stopped feeling years ago," he said. "Now I just take the oath of office and try to do my job. If you can convince the jury that Larry Payne didn't know right from wrong when he killed Warren, you'll have done your job."

"Is that your criterion for sanity?" Bellamy demanded.

"It's the law's criterion," Hastings replied quietly.

"An obsolete law," Raines protested. "The M'Naghten Rulings were made over a hundred years ago—prior to Freud, prior to studies in compulsive behavior, prior to—"

"—prior to the existence of the drug that kept Payne rational while he confessed the murder," Bellamy added, "and you know that as well as we do."

For a moment Hastings met Bellamy's direct stare.

"Is that what you're trying to do—use Payne as a *cause célèbre* to get a new definition of insanity in this state?"

"What we're trying to do," Bellamy answered, "is to defend a client the state has charged us to defend. If, in doing so, we can help science force the lock on an antiquated mental dungeon and let in a little light, we're all the winners."

But dungeons, even with rusty

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locks, are not easy to open. Three of the finest psychiatrists available had found Payne insane. John Britt, young and explosive, likened him to a martyr—as much a victim of society as Jean Valjean.

"Who stole bread because he was hungry," Hastings commented.

"There are different kinds of hunger," Britt commented in reply.

"Are you suggesting that a man has a right to take love by force, Mr. Britt?" Hastings thundered.

"No, sir. I'm stating that a *child* in a man's body—*a mentally retarded child*—attempted to satiate his hunger by force. At that point Larry Payne needed psychiatric help—not a sentence to San Quentin where he would go on repeating a destructive pattern."

The second defense witness was Aaron Toler, older and more poised. In academic language he explained the nature of Payne's problem. Payne was a challenge—a human guinea pig who, if spared, might help science unlock secrets of the mind.

"Or who might kill again?" Hastings suggested.

No one could answer that question negatively. By the time the third psychiatrist, Stauffeur, took the stand most of the spectators, foreseeing the outcome, had left.

Raines whispered earnestly to Bellamy. "We're not getting through. Stauffeur sounds like a public accountant. The jury has to *feel* that Payne is insane."

"What do you want to do?"

"Recall Ventura to the stand. There's something missing in his story. I'm sure of it."

It was the last day of the second week of the trial. Something had gone wrong with the air conditioning and the fans were no longer connected. Carlos Ventura's face was bearded with perspiration as Raines approached the witness stand holding the death knife. Murder needed a trigger, and under pressure Ventura broke.

"All right," he admitted, "Warren called Payne a name before the kid went for the knife."

"What was the name?" Raines demanded.

For the first time Larry became aware of the proceedings. His eyes were fixed on Ventura.

"A name for what Payne is," Ventura said. "'You stand with your face to the wall,' Warren told him. 'Don't you move a muscle, you—'" and Ventura mouthed a shocking word.

Payne was on his feet. "Don't you call me that!" he screamed. "Don't you call me that again!"

He lunged forward, clawing at Ventura. A woman juror screamed. The bailiff and a uniformed officer sprang forward, but not before Larry Payne, the mild-mannered boy who smiled shyly at cameramen, had become an enraged animal. Still shouting, he was dragged from the courtroom as Judge Davis ordered a recess.

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As the courtroom cleared, Bellamy turned on his partner.

"You overdid it, Lew!" he stormed. "You left nothing to the imagination"

"I proved that Payne was goaded into the attack," Raines insisted.

"Yes—but you also proved he's capable of killing—and that's what the jury will remember! Payne didn't need *that* kind of image. If only we had someone who liked him—just one person who could take the stand and make Larry Payne sound like a human being instead of a case history."

Jay Bellamy didn't believe in luck—or in magic. The sweat on his face was his luck, and the knowledge in his mind was his magic. But there were times when a natural sequence of events seemed the work of Providence.

The courtroom was now empty—the doors left open for ventilation. Moving toward the doors, Bellamy paused—intrigued by what he saw in the corridor. The woman would have been conspicuous anywhere on such a day. In spite of the heat, she wore a heavy tweed coat, a hat, and gloves. In addition to a large, unstylish handbag, she carried a cheap suitcase and a folded newspaper at which she kept glancing.

At the entrance to the courtroom she stopped.

"Is this," she asked timidly, "where Larry Payne is being tried?"

"It is," Bellamy answered, "but court has adjourned for the day."

The woman frowned, unsure of herself.

"Who did you want to see?" Raines asked.

"A lawyer—" She consulted the folded newspaper again. She was obviously near-sighted, but she didn't wear glasses. "—named Jay Bellamy. His name's printed here in the paper. I've come all the way from Texas to tell him the truth about Larry Payne."

Bellamy sighed.

Her name was Martha Lindholm. She was called as a surprise witness for the defense. Larry Payne was in court again—subdued and apparently oblivious to the furore he had caused. As the woman passed him, his face brightened with recognition. Starting up from his chair, he cried, "Aunt Martha!"

Martha Lindholm halted. She seemed under a great strain. Those close to her could see the muscles of her jaw tighten before she turned her head to give Larry Payne a cold stare and then move on. Bewildered, Payne sank back in his chair. He looked like a small boy who had been slapped and didn't know why.

From the stand Martha Lindholm's voice was firm and without a trace of emotion. Bellamy led her into the past to the day an unwanted child was placed in her care.

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"I had no place for him," she said bluntly, "and no time. I worked as a practical nurse for five dollars a day. It wasn't easy to feed an extra mouth."

"How old was the boy when he first came to you?" Bellamy asked.

"He was five. Not old enough to work for his keep or even help around the place. Just old enough to want."

"Want?" Bellamy echoed.

"Things he couldn't have—a wagon, a bicycle, a puppy. I told him we couldn't afford to feed a puppy, but he got one anyway. It wasn't my fault that—"

She stopped abruptly, embarrassed.

"Your fault?" Bellamy repeated. "What wasn't your fault."

"It died," she said. "One day I heard Larry screaming in the yard. I ran outside and found him holding the dead puppy in his arms."

"What happened to the dog?"

Angrily she retorted, "How do I know? It was dead, that's all! After that Larry hardly ever spoke to me."

The air conditioning was still out of order. There was an undercurrent of irritation in the courtroom—silent but easily sensed. Martha Lindholm's gloved fingers worked nervously at the catch of her bag, and relentlessly Bellamy continued to gouge out the past.

"As the boy grew older was he difficult to manage?"

"Very difficult," she answered. "I had to work nights a lot. I paid eighty dollars to have a high fence built around the property and I always locked it when I went out. But Larry found a way to get over it."

"Then the boy was left alone nights. At what age was that?"

"Off and on until he was fifteen." Quickly she added, "But he was safe enough. Sometimes the storms frightened him, but he wasn't hurt. Then, when Larry was fifteen, he got into trouble. He took some money."

In the press section, Lisa Wyman leaned toward Mark Christy. "Stealing," she whispered. "The classic symptom of the love-starved child. Look at her hands clutching that purse. Look at her tight mouth . . ."

From the witness stand Martha Lindholm's voice droned on

". . . twenty dollars," she said. "I told the Sheriff the boy was getting too much for me to handle. Maybe twenty dollars doesn't sound like much, but it was a lot to me."

In a surprised voice Bellamy asked, "The money was yours, Miss Lindholm? *You* preferred the charges?"

"It was my household money!" she said angrily. "Larry squandered it taking a lot of strangers to the circus. Not people he knew, mind you. Not friends. Just strangers he picked up in the street. When the Sheriff asked why he did that, Larry said he wanted somebody to like him."

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All through her testimony Larry Payne looked bored. His gaze wandered to the jury box. A middle-aged woman with lonely eyes was staring at him in a strange way. He smiled at her and she looked down quickly, fussed with her purse, and took out a handkerchief. She patted her perspiring face nervously.

A complaining whine came into Martha Lindholm's voice. "I never understood Larry," she continued. "I gave him a good home, treated him like my own right up to the day he run off. But he never appreciated anything I gave him. What do you do with a boy like that? What *can* you do?"

The jury deliberated Martha Lindholm's questions until twelve forty and then the foreman, having solemnly tabulated the last ballot, informed the guard outside the jury room that a verdict had been reached.

Judge Davis was notified, Larry Payne was brought up from a lower-floor cell, and the weary survivors of the long vigil reassembled in the courtroom to hear the quiet announcement that Larry Payne—by reason of insanity—was Not Guilty.

Minutes later the manacled prisoner was escorted back to his cell. A few steps from the doorway he paused and looked pleadingly at Martha Lindholm. She lowered her eyes, and Payne, shoulders sagging, moved on.

Mark Christy watched intently. Why had she not faced Larry Payne? Vengeance? Guilt? Remorse? Now that the trial was over, the woman could permit herself to show some emotion.

Mark felt he had to know why she waited. He lingered in the emptying courtroom as Bellamy and Raines greeted her.

"Miss Lindholm," Bellamy said cordially. "I'm so glad you stayed on. I called your hotel and was told you had checked out."

"It was eight dollars a day," she explained. Timidly she then added, "You promised to give me bus fare back to Texas."

"Bus fare?" Raines echoed. "After what happened here tonight? Why don't you take a plane?"

"There's no need for that," she said. "Do you have the money with you? I've been waiting a long time."

Mark Christy now had his answer. He turned away disgustedly. If he hurried, he could catch Lisa Wyman and the rest of the press-room group at the corner bar and celebrate a victory for the Age of Science. The thinning of his hair, he decided, wasn't coming any too soon. He was losing touch with reality. He had almost believed there could be such a thing as an unselfish motive.

In the courtroom Jay Bellamy finished counting out the bus fare and placed it in Martha Lindholm's hand.

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"I'm sorry for what I had to do," he said. "I didn't know any other way to make the jury sympathetic to Larry—except by turning you into a heartless ogre."

There was both sadness and warmth in Martha Lindholm's eyes.

"It doesn't matter what people think of me," she said, "just so the boy finally gets help. I told you the day I came, he's been sick in the mind for a long time. But in that little town . . . in those days . . . nobody knew what to do with him. And nobody cared."

"Except you, Miss Lindholm."

"I did what I could, but there was a devil inside Larry that made him do terrible things. I saw it the first time on the day he killed the puppy he loved so much."

Martha Lindholm folded the bus money and put it in her purse. The catch snapped loudly in the empty courtroom.

"And he did kill him, Mr. Bellamy," she added, "even if you wouldn't let me tell that part of the story from the witness stand."

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EDITORS' FILE CARD

AUTHOR: **JOHN REESE**

TITLE: ***Hearing Is Believing***

TYPE: Crime and Detection

LOCALE: California

TIME: The Present

COMMENTS: *An ingenious and amusing adventure of two college seniors, with an old wrinkle on smuggling but an exceedingly new wrinkle on detecting . . .*

"ARE WE READY?" SAID JERRY RUNkle.

Mort Lisky made a fast examination of his circuits. Ready-lights glowed on both tape recorders. Microphones were in place, amplifiers plugged in, his monitor earphones "hot." His long sensitive fingers caressed the switches lovingly. "I guess so, but I wish I could test the filter on an incoming call."

"No time," said Jerry. "They're not going to horse around about contacting us. They've got a lot of heavy scratch riding on this caper."

Mort gave him a pained look. "You were in that workshop original about gangsters, weren't you? Kid, you gotta stop letting freshmen write your lines!"

"Corny or not," said Jerry, "it's true. And if you didn't try to make friends with everybody after two beers, we wouldn't be in this fix. You're the genius who picked up those two characters!"

"But you're the one who loaned Fox your camera, and that's where we found the jewels," said Mort. "I still think we ought to call the cops, or the customs agents, or somebody with badges and guns."

Jerry shivered. "Not yet. Face it, Mort—until we can prove the jewels aren't ours, we are the smugglers. We did bring them in, don't forget that!"

"Forget it? How can I?" Mort said hollowly. "All right, maestro, we'll do it your way. The script gets off to a fast start—I'll say that for it. But are you sure you know what your third-act curtain's going to be?"

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No answer came from Jerry, who was a serious, blond youth of twenty-one, a senior majoring in theater arts at San Diego State College. Jerry did not yearn to be an actor himself. Once he had, but all that had been discarded with other purposeless yearnings of his callow years. Now Jerry wanted to write, direct, and produce, manipulating players as well as lines, to the greater glory of the modern theater.

Mort Lisky towered over him by six inches, being a swarthy six feet four of bones, chin, nose, and ungentle sarcasm. He too was a senior, but if Jerry felt himself ready for life, Mort knew his education was no more than started. True, he could make a living, and a good one, in any branch of electronics.

But next year Mort would begin postgraduate work at the University of California, one of a picked group of seniors from all over the nation, on something called Interplanetary Communications Project 9-D. Since time immemorial, men have projected their souls to the distant stars, seeking to draw from their constancy some inkling of their own fickle fates. To Mort, the stars talked back.

Jerry and Mort had shared an apartment for three years. They were totally unlike in ambitions, attitudes toward life, and politics—wherefore they were close friends. They had just returned from Mazatlán, Mexico, along with a hundred other San Diego Staters, where they had enjoyed the surf-bathing of Easter Week. They were tanned by the winter sun, exercised to healthy exhaustion, and exceedingly well nourished on the cheap but delicious Mexican beer. They should have felt very fit indeed.

They did not; and all because of a discovery Jerry had made just after crossing the border, in the cab that took them from the Tijuana airport to their San Diego apartment. Jerry had decided, at the last minute, to have the cab stop so that he could leave the films of his Mazatlán outing at a photo shop. He remembered having loaned his fine, German-made reflex camera to Mr. Wilfred "Bill" Fox, attorney for that nice American investor, Mr. Barney Cupp. It was hardly likely that Mr. Fox would leave any film in the camera, but if he had, Jerry figured he might as well have that developed too.

So he opened his suitcase which, like all students' baggage, had been given a once-over-lightly by the U.S. customs guards. There was no film in the camera, but it didn't feel right to Jerry somehow. He opened its back, and a small cloth bag fell out. Call it a hunch, but at the same time Jerry's heart fell so many millions of light-years that the most sensitive interplanetary radio could never have made contact with it.

"Ai! Ai! Ai!" said Jerry.

"You sound like a puppy that had its tail rocked on," said Mort. "What's wrong? Speak, boy!"

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"Look what I found in my c-c-camera," Jerry gurgled. "It f-f-f-feels like beads inside."

Mort took the small cloth bag and opened it. His father was a jeweler and Mort had grown up in the shop, so his was no amateurish guess. "Nine diamonds, seven emeralds, and two of the finest rubies I have ever seen," he said. "Uncut stones come in duty-free, but these have been cut, and are subject to duty. I'd say they'll wholesale for around a hundred thousand dollars. Where did you pick up these baubles?"

"I loaned Mr. Fox the camera to shoot those girls water-skiing off Olas Altas," Jerry quavered. "They —they must be his."

"And we're not going to be a bit surprised when he comes after them, are we?" Mort said softly. "Because he got our address and phone number from me, and he and Mr. Cupp were on the same plane with us!"

"They're smugglers!" Jerry moaned.

"Wrong," said Mort. "*We're* the smugglers. They are just a nice Beverly Hills investor and his nice attorney, who have been having a nice vacation while inspecting the very nice investment opportunities in Mazatlán. Jerry, we're in trouble! What are we going to do about it?"

"I think I'll swallow poison," said Jerry.

Mort hefted the pouch of jewels. "There's enough here to keep us for life, most of it in Leavenworth," he said. "Let's hunt up the nearest gendarme and cop out, as our fellow criminals put it."

That expression, "cop out," must have triggered the creative detonation in Jerry. To throw themselves on official mercy was too simple, also too risky. Because they were, after all, smugglers until they proved otherwise. In Jerry, self-preservation and the creative impulse both pointed to something more dramatic. Mort went along mostly because he had access to the electronic gear, and because, as he said, he was a born schmoe.

"I have to see which way the coin drops, even when it's my coin and somebody else wins," he said. "That is a schmoe's function in life—to call 'heads' just as it turns up tails. I have just one request to make."

"What?" said Jerry.

"Choose somebody else for your cellmate. They say they've got a good library at Leavenworth. I'm going to catch up on all the comic books I missed in college, and I don't want any more of your stupid interruptions."

That had been three hours ago. The combination living-dining room of their apartment now looked like any other student's combination living-dining room—a mess. But this mess concealed some of Mort's favorite wires, which in perfect concealment led through the kitchenette to the dead-

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end of a back service hall. There Mort had set up his tape recorders and control panel.

"Well," said Mort, "I hope it works."

"Of course it will work!" confidently exclaimed Jerry. "They won't dream we looked in the camera. They'll give us time to unpack, but they won't wait too—"

The phone rang.

Mort clawed at his switches, his black eyes lighting up as he beheld the flickering of certain needles. "Give it time to ring a few times," he yelled. "Don't want to let 'em think we were sitting here waiting for their call. Besides, I want to check my gain on the ringing signal before you answer."

Jerry let it ring a few times. He was a little surprised to hear the voice of Mr. Fox, the attorney, instead of that of Mr. Cupp, the nice investor.

"Jerry-boy?" Mr. Fox said gaily. "I'll bet you're surprised to hear from me so soon!"

"Not exactly," said Jerry.

Mr. Fox apparently missed that. "Got a favor I'd like to ask you, keed! My sister here in San Diego had a new baby while I was in Mexico, and I'd like to shoot some pictures. I hate to use that cheap camera of hers. I wonder, Jerry-boy, would it be asking too much to borrow yours again for a couple of hours?"

Mr. Fox's voice recalled his unappetizing person. He was a small, furtive, dirty-minded man with sandy hair, freckles, and pale, nervously blinking eyes. Witty but not funny, a tab-grabber who never let Jerry or Mort pay for anything, Mr. Fox had been tolerated in Mazatlán only because it was nice Mr. Cupp's money he was spending.

"Skip the build-up, Mr. Fox," Jerry said, trying to get the right quaver of fear into his voice. It came quite easily. "I have already looked in the camera."

"Oh," said Mr. Fox. "Oh, I see. You say you have already looked in the camera?"

"Yes, and I want to speak to Mr. Cupp."

"Why, may I ask?"

"That was a dirty trick you played on me, Mr. Fox, and I just don't think he'd stand for it, that's why!"

There was a brief hesitation. "Jerry-boy," Mr. Fox said, "unfortunately, Mr. Cupp was detained a while by the customs officers. They searched his baggage again and again, and of course couldn't find anything. But they were still trying when I left, so it will probably be a little while before we can reach Mr. Cupp. Meanwhile, you understand it's urgent that you and I get together. I'll admit frankly that I played a dirty trick on you, but I'm going to make up for it."

"How?"

"Jerry-boy, I'm going to bring you two of the fattest little old hundred-dollar bills you ever saw,

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when I come out there to see you."

"Only you're not coming to see me," said Jerry. "Not without Mr. Cupp."

"Jerry-boy, listen to reason!" Mr. Fox cried. "Barney Cupp is a respectable, honest businessman and I'm a dirty, rotten, double-crossing heel. Now I've made a mistake, a serious mistake, perhaps. But I'm going to make up for it to you. Why involve Barney in what I did?"

"All right then, I'm going to go to a policeman I know. He gave me a traffic ticket once, but—"

"Jerry-boy, think of Barney Cupp! Why bring in some cop who is not only an ignorant slob, but a thief besides?" Mr. Fox's voice fell half an octave. "I don't like to frighten you, keed, but think! Are you in any position to go to a slob of a policeman? If you like Mr. Cupp, and you value your own well-being, you're not going to be so foolish, are you?"

"Mr. Fox, either I see Mr. Cupp or I go to a policeman."

"Jerry-boy, I'm sure you don't mean that," Mr. Fox said softly. "I'm sure you realize it would be about the most dangerous thing you could do!"

"I'll bet you wouldn't threaten me if Mr. Cupp could hear you!" Jerry almost shouted. Then in a whimpering voice he went on, "Let's cut this short, Mr. Fox. I've never been in any trouble like this before, and it makes me nervous. I don't want to talk to you any more until I've seen Mr. Cupp!"

"Barney isn't available yet. But if I know him, he'll tell you to take my advice. Meanwhile, you have every right to be nervous. Suppose I make it three hundred bucks?"

"No!"

"How about five? Does five suit you, Jerry-boy?"

"No. Listen, Mr. Fox, I'm getting out of here right now!"

"Shut up and listen to me." Mr. Fox's voice was suddenly as frigidly poisonous as quick-frozen cobra venom. "If you must see Barney, I'm sure we can get together later this evening. Meanwhile, I wouldn't want anything to happen to that camera package, and I don't believe you do either. It wouldn't be healthy for you, see, keed? Stop being childish! Leave there? Where would you go?"

"I'll quit school. I'll mail the jewels to the police and go to—to Hawaii. Or Alaska."

"Jerry-boy, there is no place on earth you can hide if you double-cross me. Barney Cupp is a gentleman, but he can't stand a dirty, cowardly rat either. Now, why can't you and I get together on a friendly basis, without bothering him?"

"No, sir!" Jerry shouted. "Listen, this is final. I'll be here at eight this evening, with the package from the camera, and you and Mr. Cupp can both come then. Both of you, you understand? Because if it's just you,

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I won't even open the door, and there's no use coming before then because I'm leaving right now!"

He slammed down the phone. Almost immediately, it began ringing again. He ignored it to run toward the back of the apartments. When he reached the back service hall, Mort Lisky was already dismantling his recording equipment.

"Better get this inside, in case they try to kick in the back way," said Mort. "Won't take long to set it up for this evening again. Here, you take this tape and work from it where you can watch the front. I'll keep an eye on the back—and I've really got a job of rectifying to do! I told you I should have had more time to check that phone induction coil."

"I was tremendous, wasn't I?" said Jerry. "I really sounded scared, didn't I?"

"You still do," said Mort. "To work, boy, to work! But I still think this is one of those downbeat scripts where the hero's buddy dies a lingering, last-act death."

Jerry took the smaller of the two tape recorders to the living room and plugged it in where he could sit near the front door. He dragged the coffee table over to use for a desk, and stacked some paper and pencils on it. He put on the earphones and sat down, with his eye near a crack in the broken old blind that covered the glass in the front door.

It was hard to see well enough to write, with all the shades pulled down. And, as he expected, through the crack in the blind he shortly beheld a cab stop at the curb. None other than Mr. Wilfred "Bill" Fox got out and ran up the steps. Jerry and Mort had a first-floor apartment with a door facing the street. Mr. Fox pounded on the door again and again.

Jerry sat there just inside it, with the sweat pouring off in rivers. Until this very moment, he had been quite sure that no one out there in the bright sunlight could make out anything in the dark apartment through that crack in the blind. But when he beheld Mr. Fox's pale, malevolent eye at the crack, he wondered how he could have been such a fool. Mr. Fox was staring straight at him.

"Damn!" they heard Mr. Fox cut loose. "The little whelp did run, after all. Well, he'd better show up tonight, that's all I've got to say!"

The eye was withdrawn. Jerry breathed again.

He ran the tape over and over, scribbling and listening at the same time. A little later Mr. Fox made two more attempts to get into the apartment. The second time, a man was waiting in the back seat of the cab. It might not have been Mr. Barney Cupp; on the other hand, it was about the same size man as Mr. Cupp, and he filled the cab with the same blue, rich-looking cigar smoke that continually surrounded Mr. Cupp.

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This time, Mr. Fox tried to get in the back door too, but the landlady caught him and threatened to call the police. Mr. Fox beat a hasty retreat.

Meanwhile, Mort remained busy in the kitchenette, "rectifying" the tape, whatever that meant. They finished with their separate jobs about the same time. Then came the job of re-recording. Their hair stood on end while this was going on, because Jerry had to speak in a normal tone of voice, and sometimes louder than normal. But it did not take long and they were not interrupted.

From about five thirty on, they discovered, the phone rang regularly every ten minutes. The calls which they had to make, they spaced in between the calls from the outside. Several times, they had to call their party back, so Mr. Fox would not get a busy signal when he rang their number. It was imperative that he be convinced that they were away, and a busy signal would have told him that they—or at least someone—was using the phone in their apartment.

At eight o'clock—not a minute before and not a minute after—Mr. Barney Cupp and Mr. Wilfred Fox rang the front doorbell. Mort had moved his electronic gear back to the service hall; so Jerry admitted the two guests.

Mr. Cupp was impatiently affable. He was also smoking a big, dollar cigar as usual. He did not wait to be asked to sit down. He made himself at home in the only comfortable chair in the room, leaned back, and crossed his legs.

"Bill tells me he pulled a silly sort of stunt and got you in trouble, Jerry," he said. "Now, I don't know what I can do to help you out, but if a few hundred bucks will do you any good, you know Bill's not a tightwad."

Mr. Fox smiled his pale-eyed smile. His freckles seemed to be a little pale, too. "That's what I tried to tell Jerry-boy, Barney," he said, exposing most of his pale gums. "But he seems to be greatly attached to you, and I can't blame him for that, can I? The main thing is for me to get that stuff from the camera."

"Exactly!" said Mr. Cupp. "Get the stuff back, give our pal Jerry a few hundred bucks to make life pleasanter for him, and get out of his hair, eh? Exactly!"

"First, Mr. Cupp," said Jerry, "there's something I think you should know. My conversation with Mr. Fox was recorded this afternoon."

"What? Why, you idiot, you smart-aleck!" Mr. Cupp shouted. He half rose out of his chair. "Bill, you're a worse idiot than he is!" he said, brandishing his cigar at Mr. Fox. "How much did you say over the phone?"

Mr. Fox blanched a little, but he said, "Nothing to worry about, Barney. They already knew the

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rocks were coming through, didn't they? That's why they held you so long this afternoon. And they can't use wiretap evidence! The mere fact that a phone conversation of mine was recorded without a beeper makes it inadmissible in court."

Slowly, Mr. Cupp settled back in his chair. He did not look happy—only relieved, and not very much of that. Before he had entirely assimilated Mr. Fox's legal advice, Jerry addressed him again.

"Anyway, Mr. Cupp, I think you ought to hear the recording. It'll only take a couple of minutes," he said. "Okay, Jerry, turn it on!"

From the six speakers of their hi-fi set the two voices, Jerry's and Mr. Fox's, came booming out clearly. Mr. Fox listened with a contemptuous little smile that soon turned to an expression of frozen, incredulous horror. He recognized his own voice. He even recognized some of the words. But these were only fugitive, phantom recollections of a call that he could have made only in his bad dreams:

MR. FOX: Oh, I see! You say you already looked in the camera?

JERRY: Yes, and there is only half as much as you said there would be. Only four diamonds and four emeralds, and both rubies are missing. What are you trying to do—cheat Mr. Cupp?

MR. FOX: Jerry-boy, Mr. Cupp was detained by the customs officers, so it will probably be a little while before—

JERRY: You mean arrested? You turned him in, like you said?

MR. FOX: I'll admit frankly that I played a dirty trick, but I'm going to make up for it.

JERRY: Don't you go offering me any of those thousand-dollars bills again, to help double-cross Mr. Cupp!

MR. FOX: Jerry-boy, I'm going to bring you two of the fattest bills you ever saw.

JERRY: Mr. Cupp's thousand-dollar bills, you mean. After you ratted on him to the customs inspectors, too!

MR. FOX: Jerry-boy, Barney Cupp is a dirty, rotten, double-crossing heel, an ignorant slob, a thief besides!

JERRY: If Mr. Cupp is in trouble, I'm going to the customs inspectors and tell them that I've got the jewels.

MR. FOX: Jerry-boy it would be about the most dangerous thing you can do.

JERRY: But it makes me nervous, sitting here with the jewels while he's under arrest. Why, I wouldn't go through with this for three thousand dollars!

MR. FOX: How about five? I'm sure we can get together, keed, but Barney Cupp is a dirty, cowardly rat. Now, why can't you and I get together on a friendly basis, without bothering him?

At this point, Mr. Fox found his voice. At any rate, he found somebody's voice, because the strangled

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scream that issued from his throat sounded like no noise that he had ever made before.

"It's a phony! I didn't say that stuff, Barney, he shrieked. "You've got to believe me!"

Mr. Cupp stood up. "So only four diamonds and four emeralds are left, hey?" he said. "And both of those lovely rubies are gone! You pinch them and then turn me in to customs, do you?"

"Barney, please, it's phony, I tell you!"

"Do you think I don't know your own voice? Ha! Maybe they can't use a tape in court, but I'm not so particular. So I'm a slob and a coward and a rat, am I? And you're going to pay Jerry off to shut up about it with five thousand of *my* money, are you?"

Mr. Cupp lumbered swiftly across the small living-dining room toward Mr. Fox, who leaped up on the shabby old couch. There he stood, with his back to the wall, quavering, "Barney, if you'll only listen! Please, you've got to believe me!"

"I'll believe my own ears," said Mr. Cupp. He took Mr. Fox's knees in one of his arms. "Tell me, Wilfred, where you put my beautiful diamonds and emeralds and rubies that I brought all the way from France to Mexico. Where are my jewels? Where are they?"

For a flabby Beverly Hills investor, Mr. Cupp was very strong indeed. Holding Mr. Fox by the knees with one arm, Mr. Cupp turned him upside down and bumped his head rhythmically against the floor. Jerry watched interestedly, regretting that he had neglected to have paper and pencil handy, so he could make notes.

Nothing he had ever seen on the stage equaled the scene before him for sheer drama—especially the point where the two customs inspectors stepped out and placed both Mr. Cupp and Mr. Fox under arrest. Mr. Fox remembered that he was a lawyer. He began shouting, "Entrapment, entrapment! And you can't use any of that tape! In addition to being an illegal wiretap, there's something phony about it."

Said one of the agents, "There's no entrapment, Mr. Fox. You came here to get certain jewels. They're all here. Even without the doctored tape, we have your own admission and that of Mr. Cupp that they were unwittingly smuggled in for you by these boys. So long as we don't touch a phone, we have a right to record anything on the premises with the written consent of the owners, tenants, or inhabitants thereof."

"All this was recorded too?" said Mr. Fox.

"Yes," said Mort. "Got an excellent record, and all sorts of witnesses that it wasn't doctored, rectified, spliced, and re-recorded like the other one. So I'm pretty sure it will stand up in court."

Mr. Fox moaned.

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Mr. Cupp hit him on the jaw with a powerful right fist. "What a lawyer!" he said. He held out his hands, wrists together, to the customs agents. He tried to smile as the handcuffs clicked home. "Do you think maybe I'll draw Atlanta again?" he said. "I always did easy time there. Is this a big enough rap for Atlanta?"

"I wouldn't be surprised," said the agent.

The agent turned to Jerry and Mort. "You boys went to a lot of unnecessary trouble. We knew when these jewels were stolen in France and we knew when friend Cupp came into possession of them. We knew he was in Mexico, and we knew he'd try to bring them across to peddle them here. All you had to do was bring the jewels to us and tell your story! You'll probably split a nice reward on this, but why do it the hard way?"

"It's kind of difficult to explain," said Jerry. "You see, we both put off our term papers all year, planning to do them during Easter vacation. Then we got this chance to go to Mazatlán for some surfing, and we were really up against it when we got back! This gives us our themes and our bachelor's degrees, see?"

Jerry's paper was titled, *Use of Electronic Recording Tape and Substituted Dialogue in Simulated or Re-Created News Events—A Suggested Dramatic Technique.* Mort's was called, *Rectifying Induction-Coil Signals by Various Methods, Including Magnetic Resonator and High and Low Frequency Tonal Separations.* In addition to splitting a $10,000 reward, both boys got A-Plus.

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